The Humble

DESIRES

OF THE

Gentlemen, Free-holders, and Inhabitants, of the County and City

OF

DVRHAM,

And other of the Northerne Counties, for Founding a

COLLEDGE

AT

DVRHAM.

Repreſented to the High Court of Parliament, by their ſeverall Petitions: the Heads whereof, with the Reaſons thereunto annexed, are as followeth.

FOR indowing of the ſaid Colledge with a competent Revenue of Land: It is humbly deſired, That a Debt of 25663*l.* 13*s.* 10*d.* (due by Order of Parliament to the County of *Durham*) may be allowed in purchaſe of ſome Lands of the Common-wealths, without doubling of the ſame: And the ſaid County doth freely releaſe it for the ſaid uſe; and that the late Cathedrall, and Colledge of the late Deane, and Prebends houſes in *Durham*, may be likewiſe granted for the uſe aforeſaid; the ſecurity being ſufficient to ſatisfie the money borrowed upon *Deans* and *Chapters* Lands; and that certaine Commiſſioners may be appointed in the ſaid Counties, for eſtabliſhing the Colledge, and the Revenues thereof, with good Orders, and Locall Statutes: for the Reaſons and Motives humbly offered to conſideration, as followeth.

I. THat to allow of the ſaid Debt in Purchaſe, is conſonant with that Juſtice the Parliament hath been pleaſed to afford, for ſatisfying of the Publique Debts, as well to ſome Counties and Citties, as to private Perſons, and therefore doth not add to the preſent charge of the Common-wealth.

II. That it will be of great advantage to the Northerne Counties, and not of ſo great detriment to the Southerne Univerſities; the City of *Durham* being above 150 Miles diſtant from *Oxford* or *Cambridge*, and is about the Center of the ſix Northerne Counties, being about fifty Miles from *Yorke*, *Lancaſter*, *Kendall*, *Carliſle*, and *Berwicke*, the chiefe Townes in thoſe Counties.

III. That the Scituation of the ſaid City of *Durham* is pleaſant in a wholeſome aire, upon a ſweet River, that doth neer ſurround the whole City: and the buildings aforeſaid will be ſuitable for ſuch a work, which to be demoliſhed will be of very ſmall value, there being no vent for the Materialls, moſt conſiſting of Stone-work.

IV. That it is within ſeaven miles of *Sunderland*, a Navigable Port at the mouth of the ſaid River, within twelve miles of *Newcaſtle*, *Hartlepoole*, and *Stockton*, convenient places of Commerce, to have ſupplies from all parts in the Germane Seas.

V. That Proviſions of all ſorts are plentifull, and Fire-fuell in abundance; by means whereof Parents may at much leſſe expence Educate their Children in Literature, and will much augment the number of Learned Perſons, that through poverty (eſpecially ſince the late Warres) are diſabled to ſeek their Education at the Southerne Univerſities: and thereby the parts and induſtry of meaner perſons, doe often become abortive.

VI. That formerly many in the Northerne Counties did ſend their Sons to the Univerſities in *Scotland*, which it would and attract Forreigners to *Durham*.

VII. That thoſe who were Educated in the South parts, ſeldome returned into the North, unleſſe for meer lucre of ſome great Preferment: which hath been a means of ſo few of piety and good parts in thoſe Counties.

VIII. That it is conſonant with the preſent Government of the Common-wealth, equally to diffuſe the Learning, Riches, Commerce, and other Publique benefits through the whole Nation.

IX. That it is a Laudable and Pious work, and may conduce to ſtop the mouth of calumny and ſlander, that endeavour to traduce the preſent Government.

LONDON: Printed by *M. S.* in the Year 1652.

A MOST LAMENTABLE INFORMATION
OF PART OF THE GRIEVANCES OF MUGLESWICK
Lordship in the Bishoprick of Durham, sent up by Master George Lilburne,
Major of *Sunderland* to be communicated to the House of Commons.

TO all Christian people to whom these presents shall come, know that we are a people in that our Parish of *Mugleswicke* who have beene destitute of a preaching Minister; yea, ever since any of us that now are breathing were borne, to our soules great griefe and dreadfull hazard of destruction; neither is it our case alone but also ten, yea or twelve Parishes all adjoyning are in like manner void of the meanes of salvation, whose case and condition is deepely to be deplored: And as for us in *Mugleswicke* wee have had none, neither good nor bad since *Martinmas*, Anno Dom. 1640. but such as the Scottish Presbiterie furnished us withall (bemoaning our miserable estate) for hee who then supplyed the place, departed this life about the day of the date above mentioned; and wee immediatly after his death rode to one Master *James*, Minister of *Riton*, being one of the Prebends of *Durham*, intreating him with all earnestnesse with an humble Petition, because he then was in authoritie, and no more of that sect left in the Countie, but all fled because of the Scots; that this our poore Parish of *Mugleswicke* might once at length have the fruition of a faithfull Minister, but hee answered that they (*viz.*) the Prebends had already appointed us a man, namely one *John Duery* whom we knew; Then with all our soules wee besought him that we might be exempted of that *Duery*, because wee knew him to be no Preacher, and his life and conversation scandalous, and had two places at that present already as we told him; and also that he publikely confessed in a Pulpit before an open assembly that hee could not preach, and yet that aspiring Prebend (whose lifelesse conscience we leave to your censure) replyed that they had once authorized him, and wee neither could nor should depose him, and he also told us in plaine tearmes, that if he could reade the prayer booke, and an homily, it was nothing to us what kind of man he was; so when things would be no better, it behooved us to come home with these cold comforts, having heavy hearts that our soules should a longer season be inthralled to such a simple, yea (we dare say) sinfull Minister, who is ignorant of the very principles of Religion: (yet our Allsufficient God (seeing that we were but breeding and beginning in Christianitie) would let no more be laid upon us then we were able to beare) and so seeing us unwilling to accept of him he gave over. Then the place being void for the space of a whole yeare, wee our selves betwixt griefe and necessitie went abroad to seeke, and it pleased our God to send such an one as our soules longed after, and no sooner found we one whom our minds affected, but immediatly those Prebends (who whether they were friends or foes to Christ, judge yee) that will not sticke to hazard their heads, so they may hinder the truth, doe impose one *Braidly* upon us, a bird brought out of the nest of their bosomes, who (we may say without sinne) is one of the most deboist amongst the sonnes of men, for hee will neither preach himselfe nor yet permit others, but upon the Sabbath day hee tooke the Locke from the Church doore, and fastned on one of his owne, so as that the Parishioners were forced for to stand in the Church yard to discharge divine duties with their Minister in cold frost and snow, to the infinite dishonour of the Almightie, the great griefe of their minds, and the dreadfull indangering of themselves in that stormy time of the yeare; other times before he came into the Church whilst our own Minister was in his exhortation, and stood up beside him reading with a loud voyce in a booke to overtop the sound of his words. Afterward pulled him by the coate when hee was in the Pulpit, but when neither of these would cause him to desist from duty, he goes and rings the Bels all aloud; neither is this all, but out of malice cals a Communion and enters upon the sacred action without any preparation Sermon before the day. Now the people having protested before as they were directed to doe before by the Parliament against all Popish innovations, they doubted and therefore durst not communicate with him in these his corrupt courses. And likewise the sayd *Braidly* had affirmed before the open assembly, that the Protestation was false. Then hee after that venteth his inveterate envie with his secret and sinfull intention, for after that he had come and collected a Catalogue of the names of those that had restrayning consciences; at the next Sessions after he indicted them all above 14. yeares old and above, yea many of them being such as a prudent Pastor would in no wise have admitted to partake of those precious ordinances, by reason of their minoritie and nonage, and so at this instant scarce liable to the censure of the Law, to the number of 67. soules or more, yea many of them being indicted againe and againe, are so prosecuted and perplexed as that they are even forced to forsake their vocations and callings, and cast themselves upon the Lords speciall providence, and others of them that staie, are driven to excessive expences, many of them to more then they have of their owne; and others againe, namely old women, and infirme women, being so great with child or so newly delivered of child that they can neither ride nor goe, therefore doe desire to keepe out of their clawes, yet their owne houses cannot keepe them safe from certaine pestiferous Bayliffes, who through the procurement of the sayd *Braidly* are preferred to the office, that like for lewd lives they could no where else have found among Christians, for they are full as inhumane as those Rebels in Ireland, that neither doubt nor dread superiour powers; yea they will not sticke to burst and breake open doores, picke barres, and being come within the house they draw their Swords, and hold out Pistols against poore womens breasts, commanding them to light candles, otherwise they shall let them see a lamentable light with their Pistols; and doe so astonish poore simple women with children that they drive them to a desperate condition, well nigh beside themselves. Some of the said parties got a Warrant from a Justice to bind them to the peace, and delivered it to the Bayliffe to serve, and so they went before some of his Majesties Justices of peace (whereof Sir *John Conyers* was one) who refused to binde those deboist fellowes; now the Bayliffes names are as followeth, Master *Clement Richardson* (who sayd that they who had taken the Protestation had need to goe to the Parliament to beg a pardon or else they would be beggered) *Hugh Joplin*, *Thomas Foster* sonne in law to the said *Joplin*, *Cuthbert Hopper* and *Robert Simpson*, these through the assistance of one *Thomas Misse*, who is intimate with authority, and makes his brags openly that he is the author of all these troubles, and onely useth the rest as agents for the effecting of these his mischievous prankes. Now know to whomsoever these presents shall come, that wee are a poore people, not fully as yet brought forth by the spirituall birth, and therefore helpe, helpe, helpe, as you tender the honour of your heavenly King; and finally know this, that all herein is truth, and nothing but the truth, as all those whose names are here subscribed will testifie.

Mr. *William Moore*.
John Iley.
Isabell Iley.
Elizabeth Iley.
George Oliver.
John March.
Thomas March.
Iane March.
Elizabeth March.
Edward Ward.
Margret Ward.
Robert Raw.
John Readshaw.
Elizabeth Readshaw.
William Loborne.
Iane Loborne.

Iohn Arde.
Francis Lampton.
Robert Readshaw.
George Rippon.
Elizabeth Rippon.
Iane Harrison.
Thomas Lonsedale.
Francis Ward.
Cuthbert Ward.
Cuthbert Ward, Elder.
Mary Ward.
Elizabeth Ward.
Cuthbert Harrison.
Iane, His wife.
Iohn Hopper.
Anne Hopper.

Margret Ioplin Widdow.
Iohn Ioplin,
William Ioplin.
Elizabeth Ward.
Margret Ioplin.
Cuthbert Patteson.
Robert Kirkeley.
Alice, His wife.
Thomas Maddeson.
Anne, His wife.
Thomas Maddeson, Jun.
Anne Maddeson, Jun.
Alexander Maddeson.
Andrew Raw.
Nicholas Kirkeley.
George Raw.

Arthur Kirkeley.
Iane Kirkeley.
Elizabeth Kirkeley.
Steven Raw.
John Darnell.
Margret Darnell.
Iames Carie.
Mary Richardson.
Nicholas Maughen.
Iohn Dridon.
Matthew Stokoe.

These are all indicted.

The ſtate of the Caſe for the City of GLOUCESTER,

Againſt the BILL for Diſ-uniting the two Hundreds of *Dudſton* and *Kings Barton* from the ſaid Citie.

Glouceſter was an ancient Burrough, and had many Priviledges belonging to it, and granted by or before King *John*.
1 R. 3. *Rich.* 3. Thoſe two Hundreds were added to it, and Incorporated and made the County *Villæ Glouceſt'* and ſome Priviledges granted to it.
5 H. 7. *H.* 7. confirmed all by Charter.
33 H. 8. *H.* 8. Incorporated and made it the Citie of *Glouceſter*, and the County of the Citie of *Glouceſter*, with a Confirmation of all their Priviledges.
7 Ed. 6. 3 Eliz. 3 Jac. It was alſo confirmed by *Edw.* 6. 3 Qu. *Eliz.* and 3 King *James*. But Qu. *Mary* did not look upon them as friends to her Religion; and therefore there was in her ſhort Reign a *Quo Warranto* brought againſt the Citie of *Glouceſter*, to deprive them of their Priviledges: but failed.
2 Car. 1. King *Charles* the firſt enlarged their Priviledges in ſome particulars, and confirmed the reſt.

So that the Union hath ſtood neer Two hundred years.

Now in the Bill for Reaſons to Diſ-unite them, it is alleadged,

1. As inconvenient to the Kingdom. 2. As prejudicial to the Inhabitants.

And thereupon object,

Object. *That the inhabitants give no Voices to chuſe Parliament-men, either Knights of the Shire or Burgeſſes; the Burgeſſes being by Preſcription to be choſen by the Burgeſſes of* Glouceſter; *and that they cannot give their Voices in* Com' Glouc' *becauſe they are in* Com' Civit' Glouc'.

1 *Reſponſ.* *Glouceſter* doth not hinder them to give Voices in the County at large, but deſire they may do ſo; they alſo have uſually done ſo: and as Counſel for *Glouceſter* affirm, by Law they may do ſo; becauſe

1. It is provided by a Proviſo, both in the Grant of *R.* 3. and *Car.* 1, That the County-Court for the County of *Glouceſter*, and matters thereof, may be held in the County of the Citie of *Glouc' non obſtante* thoſe Grants.
2. Rather then thoſe Patents ſhould take away ſuch a Right from any, the Patents in that point to be void in Law.

This is *Quæſtio Juris.*

And *Glouceſter* was and is deſirous it may be ſo declared or enacted by a Bill; which may be done without Diſ-uniting.

Object. *That no Gentlemen or Inhabitants in thoſe two Hundreds can be Juſtices of the Peace there; the Patent of King* Charles *confining it onely to the Maior, Aldermen and Recorder.*

Reſponſ. 1. It is in the Kings power and will to name whom he pleaſeth to be Juſtices; and by the Patent he hath appointed onely ſuch, *viz.* the Maior, *&c.*

2. Thoſe Gentlemen are Juſtices in the County of *Glouceſter.*

And if thought fit, it may by the ſame Bill be declared that the King may appoint any Gentlemen inhabiting in thoſe two Hundreds to be Juſtices in them, as well as the Maior, *&c.* and that alſo without Diſ-uniting.

Object. *That there were great Miſcarriages in the Maior, &c. in the exerciſe of their power:* and did onely prove *that in* 1644 *the Witneſs was by Warrant required to bring his Cart to help to make clean the Citie, and to come to keep Watches:* and *that he carried one load.*

Reſponſ. It was in the time of the late Troubles, when the Martial power did then over-rule and direct the Civil power.

So that in neer Two hundred years, but this Offence onely proved; and that ſo long ſince, and when the Civil power was actually under the power and command of Martial men.

Further REASONS againſt the Diſ-union:

(*Satisfaction being given by a particular Act to the Gentlemen and Inhabitants of thoſe two Hundreds in the two particulars of Voices to chuſe Knights for the County, and of being Juſtices in thoſe two Hundreds.*)

1. It is the Kings undoubted Right and Prerogative to grant and make ſuch Incorporations, which (if inconvenient) were fit to be complained of to the King by Petition; and direction from the King to remedy it.

2. If there be any Oppreſſion by, or Miſcarriage in the Exerciſe of the Powers granted to the Corporation; it may Legally be Tryed and Remedied by a *Quo Warranto* to be brought by the Kings Attorny, to ſeiſe and reſume thoſe Liberties, for *Miſuſer.*

3. The Dukedom of *Glouceſter* is the Title for the Kings third Son; and we hope to ſee a third Son of his Majeſtie enjoy that Title, but not to ſee the Priviledges and Juriſdiction of that place curtayl'd in the mean time.

4. There be Alms-houſes and Hoſpitals (intruſted to the care of the Maior, *&c.*) that are out of the Citie, in thoſe Hundreds; and ſome Alms-houſes in the Citie, but the Lands to them do lie much in thoſe two Hundreds: and it will be much prejudice to the good government of them, if the Governours be not in power there as Juſtices of the peace.

5. There be ſeveral Pariſhes, whereof the Pariſh-Churches are in the Citie and Suburbs of *Glouceſter*, and moſt of the Poor of thoſe Pariſhes are in the Citie and Suburbs; but ſeveral Hamlets, Villages and places which are Pariſh to thoſe Churches, do lie in the ſaid two Hundreds: ſo that if the Maior and Aldermen be not Juſtices in thoſe two Hundreds, the maintenance and relief for thoſe Poor will be ſo uncertain, that the Lame and Impotent may periſh before they can have redreſs from abroad; whereas now they may have recourſe to the Citie-Juſtices every hour.

6. The generality of the Inhabitants, and many of them of conſiderable Eſtates, do not deſire to be diſ-united from *Glouceſter*, becauſe they finde much Eaſe and Advantage by the Union, and foreſee themſelves liable to much Trouble and Charge by the Diſ-union.

NOTES

Upon the Printed CASE

OF THE

NEW-FOREST.

THE Claims of the Adjacent Inhabitants to every Foreſt are of Right (and ought to be in their Uſe) ſuch only as may conſiſt with the Good and Preſervation of the Whole. But the Abuſes of the Claims in *New Foreſt* are, what (without ſpeedy Remedy) will be the Deſtruction of it. And therefore if an Enquiry ſhould be made judicially concerning them, they would be ſet aſide; but are however ſaved in the Bill.

THE Perſons claiming Rights in this Foreſt, do rather pay Acknowledgments, than Rents; and what the few of them do pay, is very inconſiderable, but none of them are obliged to; nor do they keep, and conſtantly pay Perſons to perform the Offices of Woodwards or Foreſters in the ſeveral Bailywicks, as is done for like Tenures in the Foreſt of *Deane*, even notwithſtanding the Settlement by Act of Parliament.

THE Lands in the ſaid Foreſt have been found by Meaſure to contain 85454 Acres: And 'tis a miſtake to ſay, That the Pariſhes, Mannors, *&c.* that have Claims in the ſame, are comprehended within that Meaſure: For the Pariſhes and Towns of *Downton*, *Fordenbridg*, *Ringwood*, *Limington*, &c. have all Claims within the Foreſt, and are nevertheleſs without the Metes and Bounds of the ſame: And the Keeper's Rails with *New Park*, do not contain 5000 Acres, (as in the Caſe) but about 1420, and no more.

AS little Grounds are there for the other Computation of Woods, Coverts and Boggs; the firſt and ſecond of theſe being all open to the Commoners, (except *King*'s Coppice, which is about 80 Acres) and the Boggs are not 500 Acres in the whole.

AS to Incloſures, the Kings and Queens of *England* have in all times encloſed quantities of Waſte in this Foreſt for raiſing Wood and Timber: Without which the Commoners Rights would have been deſtroyed, as *Bimley*-Coppice, *New*-Coppice, *Redley*-Coppice, *Wooton*-Coppice, *&c.* And Q. *Elizabeth* in the 36*th* Year of her Reign, demiſed ſeveral Coppices to *Auguſtine Hill* and others, for the Term of 21 Years. And King *James* the Firſt, leaſed *Brickill-Caſtle* Coppice, and *Broadſtone*-Coppice; and until now it was never ſuggeſted that the Crown might not encloſe, or that ſuch Incloſure was any Encroachment upon the Rights of the Commoners; and indeed if the Drifts of the Foreſt be made as directed by the Bill, the Commoners Rights will be preſerved, and the Breed of Cattel enlarged and improved; the Surcharges and others that have no Right, now devouring at leaſt one third of the whole Herbage.

AS little reaſon is there to pretend, that either the Corn or Cattel of any of theſe Inhabitants, that have Right in this Foreſt, have been ſent into *Somerſetſhire*, *Devonſhire*, &c. there being little Corn-Ground near the Foreſt, (except ſome late Improvements) and the Cattel bred in the Foreſt are not of a ſize or largeneſs for thoſe Countries. And for the Horſes, they are generally ſuch as (contrary to Law) run all the Year in the Foreſt: and ſome continue eight or nine Years old, and then are not worth above three or four Nobles at moſt.

AS for Fuel-wood, there is a Saving for that in this Bill, (which was not admitted for the Inhabitants of *Deane*-Foreſt) and the Proviſion againſt Browſing, will enable this Foreſt the better to ſatisfy that Claim: For in the Year 1696, the Browſe taken up (beſides what was concealed) amounted to 2019 Loads of Wood and Timber, which is more than all the Rights of Fuel in any one Year.

AS to Pannage, that is only reſtrained by the Bill for ſome time, as in the Act for *Deane*-Foreſt; which Pannage does oftentimes the People more hurt than good: They ought to have it only for what Hogs they breed; but inſtead thereof they buy Hogs from *Wales*, &c. upon hopes of a good Maſt; which not happening above once in four or five Years, when it does ſo happen, it ſcarcely makes amends for the former Diſappointment.

SO that upon the whole, neither the Rights of the Crown, the Services of the Navy, nor Claims of the People, can be preſerved without the Bill.

NOTES

Upon the Printed CASE

OF THE

NEW-FOREST.

REASONS

816. m. 16.

HUMBLY OFFERED

For the Encreaſe and Preſervation of the Timber in the *New Foreſt.*

THat the beſt, cheapeſt, and moſt likely way of Raiſing Timber in the *New Foreſt*, is by Tranſplanting young Trees all over the ſaid Foreſt, to ſuch particular ſpots and pieces of Ground, where the Soil is moſt proper for the ſame; and in preſerving the ſame with, and among the Buſhes; and not by Incloſing, Plowing, and Sowing the Foreſt.

There have been tryals formerly made by Incloſures, and the Ground ſown with Acorns, any of which never grew, or came to any thing.

That the Foreſt, ſuppoſed to be 85454 Acres, conſiſts in the four ſorts of ground, and of the ſeveral Quantities following; In Incloſed Lands, lying in ſeveral Pariſhes, Villages and Townſhips, within the bounds of the Foreſt, and in the Keepers Railes, and in *New Park*, 25000 Acres; In Heath, Furſe, and boggy ground about two thirds of the reſt of the Foreſt being 40000 Acres, and in Woods and Covert Ground 10000 Acres.

That no part of this ground is fit for Plowing or Sowing, ſuch thereof as is not incloſed, being part full of Roots of old Trees, and the reſt barren and boggy ground Ground.

That the Reſidue being 10454 Acres of Paſture, a great part thereof is under Water in the Winter time, and therefore unfit to bear Timber,

That on the ſame the Commoners feed yearly 20000 young Cattle, beſides Horſes, Colts, and the Kings Deer.

That the incloſing 6000 Acres thereof, will deprive the Commoners of their Paſture, and moſt certainly occaſion the many great Loſſes of which they complain, without raiſing Timber-trees.

That a great cauſe of hindring the riſing of the young Trees is the Pigs which now run in Foreſt all the year, by their digging up and eating the Acrons and young Shootes.

To prevent the ſame, the Foreſt may be cleared of Pigs, and be always kept (except in the pannage time.)

The burning and cutting down of Buſhes and Fern (which preſerve the young Shootes, the making unlawful Cole-fires, and the imprudent, and waſteful cutting of Browſe-wood and Lopping of Trees, are great cauſes of hindring the riſing of young Trees, and deſtruction of the Timber, which for the future may be prevented.

The Keepers and Officers may take care to preſerve the young Trees, which may be done without an incloſure.

The Keepers (who beſt know the places proper to bear Timber) will undertake to raiſe yearly in the ſaid Foreſt 5000 young Trees, for a reaſonable Salary for their care and pains of removing and planting the ſame in a convenient and proper Soil, and preſerving them with Buſhes, which will be far cheaper to the King, and no loſs to the Commoners.

There now are 10000 young Oaks growing on 1000 Acres, preſerved by the care of ſome of the Keepers.

This will be done without cutting down any Timber now growing and will be a more certain way for raiſing and preſerving Timber, than incloſing ground and ſowing Acorns, which will never grow in the greateſt part of the Foreſt ground.

REASONS

Humbly Offer'd

For the Encreaſe and Preſervation of the Timber in the New Foreſt.

THE PROCEEDINGS OF THE Citizens of Hereford IN THE Delivery up of their CHARTER and Renewing of it:

Vindicated from the Scurrilous Imputations of *Richard Janeway.*

By a Lover of the King, the Government, and the City.

In a Letter to a Friend.

SIR,

I Have of late ſeen a ſcurrilous Pamphlet, Intituled the *Impartial Proteſtant Mercury*, printed at *London* for *Richard Janeway*, Num. 114. in which his Majeſty's Goodneſs, Juſtice and Clemency are arraigned, and alſo the Mayor and indeed the Corporation of *Hereford* unjuſtly charged, as being abus'd in the manner of acting in the late delivery up of the Charter, as if the Mayor had been wrought upon contrary to his inclination, and had pick'd out a time ſuitable to the purpoſe; Therefore I take leave to give you a true account out of the Records, of matter of Fact, that by the prudent, legal and deliberate proceeding of the Mayor herein, you may ſee he was not in the leaſt impoſed upon contrary to his Inclination, but rather actually and effectually followed the good Reſolutions he had upon mature deliberation taken up for the good of the City. For the better effecting hereof it is requiſite you have Mr. *Janeway*'s falſe and ſcandalous Relation upon the whole Action in his own words.

[From *Hereford* we are told that the bringing up of the Charter of that place ſome time ſince by the preſent Mayor is believed to have been much againſt his own Inclination, but that he was wrought upon to call a Common Council, when divers of the old Aldermen and Common Council-Men who would have oppos'd it, were known to be abſent from the Town, and ſo the ſame was ordered. But lately a new Charter is return'd with addition of a Fair and the words *Quamdiu nobis placuerit*, [as long as it ſhall be our Pleaſure,] The old Mayor is continued, but divers Eminent and Loyal Perſons fully known to be ſtrict Obſervers and great Favorers of the Church as by Law Eſtabliſh'd who have been Mayors, and ſundry Common Council-Men left out, and the Vacancies ſupplied by ſeveral Gentlemen and others about the Town; yet we do not hear of any thing pretended to be alledged againſt thoſe ſo omitted, and people are troubled to gueſs the Reaſon, unleſs it ſhould be that they voted for their late worthy Burgeſs, Eſq; *Foley*; but this no diſcreet Man can believe to be the Cauſe, eſpecially ſince tis not doubted, but whenever his ſacred Majeſtie ſhall gratiously be pleaſed to command an election for Parliament, Mr. *Foley* will yet have as many Electors as ever.]

As to the Mayor's acting contrary to his inclination, as being wrought upon to call a Common Council, when divers of the Old Aldermen and Common Councilmen who would have oppos'd it, were known to be abſent from the Town; the contrary does thus plainly appear: The Common Council conſiſts of 31, of which the Majority conclude, and make all Acts that paſs. Upon the 3d of *February* laſt a Common Council was called, at which were preſent 19. Of theſe 6 were Juſtices, 4 had formerly been Mayors, and 9 were of the Common Council; obſerve and you ſhall find in the farther progreſs of this Matter, that this was the leaſt Common Council of any from the firſt Propoſal of the danger of the Charter, to the laſt Act of Surrender under Seal. At this Common Council, after ſome ordinary things debated and ſetled, the Mayor ſpoke publickly theſe words, or to this effect, as I have it under his own hand.

Gentlemen,

I am informed that a Quo Warranto *will be brought againſt the Charter of the City; which if it be, for my part I will not contend with the King in it; and if I hear any thing more concerning it, I will call you together to adviſe what is fit to be done in it, for you ſhall not blame me hereafter for not giving you notice, that care might have been taken to have had it prevented, and therefore I pray you to conſider of it.*

Here is the Mayor's inclination ſhown, and fair notice of the danger publickly given: The next Common Council that was called, was on the 7th of *February*, where no mention was made of the delivery up of the Charter, but ſomething elſe very ſignificant was done, which was very ungratefull to all that favour the Model of the late dangerous and treaſonable Aſſociation, *An Addreſs of Abhorrence of the Platform of that horrid Aſſociation*, that was found in the Earl of *Shaftsbury*'s Cloſet, paſt the Houſe in the preſence of the Mayor, 5 Juſtices, 8 that had been Mayors, and 8 more of the Common Council, in all 22, unanimouſly in theſe words.

Ordered, That the Addreſs now read in Common Council of our Abhorrence of that Rebellious Aſſociation, found and ſeiz'd upon in the Cloſet or Study of the Earl of *Shaftsbury* be preſented unto his Majeſty, and the Common Seal of the Corporation be put thereto,

and the ſaid Addreſs to be enrolled in one of the Books of Records of the ſaid City.

Ordered, That the ſaid Addreſs be preſented to his Majeſty from the City by Baron *Gregory*, Sir *John Hoſkins*, and *Thomas Priſe*, Eſq; or any two of them.

Thus things ſtood till the 14*th* of *February*, and then the Mayor (being ſufficiently aſſur'd by a Letter ſhew'd him from a Perſon of Honour, that a Charge was laid againſt their Charter, and ſeveral Breaches aſſign'd, and the King preſs'd to grant a *Quo Warranto*, which His Majeſty would not do till he had firſt an account, whether the Citizens of *Hereford* would not truſt to his Bounty and Clemency, rather than ſtay till they were ſo attaqu'd) called a Houſe according to his former promiſe, where their own danger, hazard and charge, the King's Gracious Inclinations and Intentions towards them were freely debated, and the Letter at large read in open Council. At this Common Council were preſent 5 Juſtices, 6 of the ancient Mayors, and 10 of the Common Council, in all 21, and all other Members of it reſiding in the County had notice; After a full Debate they came to theſe Reſolutions *Nemine Contradicente*.

Ordered, That the preſent Charter of the City be deliver'd up unto His Majeſty, and that *Richard Gower*, Eſq; Mayor, *Bridſtock Harford*, Eſq; *Herbert Aubrey*, Eſq; *Thomas Clark*, Gent. Town-Clerk of the ſaid City, and *Thomas Clark* Jun. Gent. do ſurrender the ſaid Charter unto His Majeſty, and do deliver the Petition now read in Common Council unto His Majeſty for a new Charter, and to ſolicite and follow the procuring the ſame; and if any other of the Common Council deſire to go with Mr. Mayor, they (if they pleaſe) may.

Ordered, That what Money Mr. *Thomas Clark*, Jun. ſhall diſburſe for the renewing the Charter of the ſaid City, he ſhall be repaid the ſame with the Intereſt thereof out of the firſt Money that comes into the Chamber of the ſaid City, and to have the Common Seal for the ſame when the Charter is renew'd for performance thereof.

Ordered, That the Petition now read in Common Council being corrected and amended, be preferr'd unto His Majeſty for the renewing of the Charter of the City.

Now to aſſure you that all manner of care was taken for the preſervation of the Rights of the City, you may at large reade the Petition it ſelf.

To the King's moſt Excellent Majeſty.

The humble Petition of the Mayor, Aldermen and Citizens of the City of *Hereford*.

Humbly ſheweth,

THat your Petitioners have not only by ſeveral Grants of your Renowned Progenitors of ancient time been a City and Town Incorporate, and obtain'd and enjoy'd very great Liberties, Franchiſes and Juriſdictions, but alſo in the time of your Royal Father (whoſe Memory with us is Sacred) received the indelible Characters of his Grace and Favour for their conſtant and uncorrupted Loyalty, which they ſtill retain, being alway ready and willing to ſacrifice their Lives and Fortunes for the preſervation of Your Sacred Perſon, the Proteſtant Religion as by Law eſtabliſh'd, the Succeſſion of the Crown in the Right Line, and all your undoubted Legal Rights: Yet nevertheleſs by Inadvertency, Omiſſion or Neglect, (without any the leaſt tincture of Diſloyalty) we apprehend that we have hazarded the Benefits, Liberties, Franchiſes and Privileges, which we have enjoyed in the time of Your Sacred Majeſty and all your Royal Progenitors.

Your Petitioners therefore humbly pray that Your Majeſty would be graciouſly pleas'd of Your Princely Clemency to Grant to your Citizens of *Hereford* a New Charter, with ſuch Immunities, Privileges, Franchiſes and Juriſdictions, as to Your Royal Wiſdom and Goodneſs ſhall ſeem fit, ſuch as may be equal to the large Grants of Your moſt Renowned Anceſtors, and what more in Your Regal Bounty (that inexhauſtible Exchequer of Mercy and Goodneſs) ſhall ſeem moſt agreeable to Your Royal Pleaſure.

And your humble Petitioners, as in Duty bound, ſhall ever pray, &c.

The Charter remain'd ſtill in the Cheſt, and here was no ſnap or ſurprize; and to prevent it, time was taken for 6 days to conſider what was fit to ask for the City of ſo Gracious a Prince, and all that was propos'd was to have a New Charter with the ſame Privileges as before, and a New Fair.

On the 20*th* of *February* the Houſe met again (all the Members thereof in the County having lawfull Summons) the Perſons preſent were the Mayor, 6 of the Juſtices, 5 of the Old Mayors, and 9 of the Common Council, in all 21, and then freely and unanimouſly paſs'd this Vote.

Ordered, That Mr. Mayor and thoſe Gentlemen that were nominated by the Common Council to ſolicite the renewing of the Charter, ſhall be re-imburſt their Charges and Expences therein, and that the preſent Charter and the Claim be by the Key-Keepers preſently deliver'd unto Mr. Mayor, which was performed accordingly.

27*th* The Mayor, Mr. *Aubrey* and Mr. *Clark* appointed to attend His Majeſty, began their journey (Mr. *Harford* and the Town-Clerk being ſtaid by ſickneſs) and came to *London March* 2*d*; *March* the 3*d* the Mayor was brought to His Majeſtie's Preſence, attended with many Gentlemen of the County and City of *Hereford*, and humbly on his knees, in a ſhort ſignificant Speech, deliver'd up to His Majeſty the Old Charter, and by Petition pray'd a New One; The King moſt graciouſly receiv'd it, and all that attended it, and gave them his hand to kiſs, and told them, That as ſoon as Mr. Attorney-General ſhould prepare things for him to Sign, he ſhould be very ready to do it, till the mean time he deſir'd the Citizens not in the leaſt to diſtruſt his kindneſs towards them. Together with the Charter were deliver'd alſo the Acts of the Common Council, which the Members of the Corporation thought ſufficient to evidence how willingly, unanimouſly and cheerfully they had acted, but the formality of Law requir'd ſomething elſe to be done; There was wanting a Reſignation under the City Seal to make the Surrender legally good: Of this notice enough was given, by Letters from *London* to Perſons of all Perſuaſions and Intereſts, but even this innocent piece of Ignorance of the Law put the thing paſt doubt of ſurprize, or the ſuggeſted want of Inclination in the Mayor, for he (to proſecute his well-grounded Reſolves to effect) goes down and (nothing doubting the joynt Concurrence of that Houſe that had hitherto acted in this Affair with ſo much Unity) returns to *Hereford* the 12*th* of *March*, and on the 14*th* called a Common Council, and Summon'd all as formerly upon their Free-man's Oath to appear; At this Meeting were preſent the Mayor and 5 Juſtices, 6 of the ancient Mayors, 9 more of the Common Council, in all 21; and the Inſtrument of Reſignation was read in theſe words.

TO all to whom theſe Preſents ſhall come, The Mayor, Aldermen and Citizens of the City of Hereford *ſend Greeting; Know ye, That the ſaid Mayor, Aldermen and Citizens upon good and due conſiderations them thereunto moving, have ſurrendred and yielded up, and by theſe Preſents do ſurrender and yield up unto our Sovereign Lord the King's moſt Excellent Majeſty, certain Letters Patents Granted by our late Sovereign Lord King* James *of ever-bleſſed Memory, under the Great Seal of* England, *bearing Date the* 12th *day of* July, *in the* 17th *Year of his Reign, and all and every the Immunities, Privileges, Franchiſes and Juriſdictions in and by the ſaid Letters Patents given, granted or confirmed to the Mayor, Aldermen and Citizens of the City of* Hereford *aforeſaid, and alſo all other Letters Patents,*

Patents, Powers, Privileges and Immunities whatsoever, at any time or times heretofore granted to, or held or enjoyed by the said Mayor, Aldermen and Citizens of the City of Hereford, *or their, or any of their Predecessors, by any ways or means, or by what name or names soever, together with the said Charter and Letters Patents to be cancell'd and vacated upon Record. In witness whereof we have caused our Common Seal to be put at the* Guild-Hall *of the City of* Hereford, *to these Presents the* 14th *day of* March, *in the* 34th *year of His Majestie's Reign*, Annoq; Dom. 1682.

I thought fit to insert this, not only to prove the Validity of the Act, but for the better and easier Information of other Cities, that are in the Circumstances we lately were, to whom (perhaps even to the greatest) it may be useful (being drawn by a very able Lawyer) when they shall see their Errour in contending with his Majesty, and come humbly to deprecate their greater Offences.

The Approbation and Consent of all went along with this Act of Resignation under Seal, as will appear by the Vote then made in these words.

Ordered, That our Act of Surrender, Resignation, and yielding up our present Charter unto His Majesty, now read in Common Council, be Seal'd with our Common Seal, (which accordingly was perform'd) and presented to His Majesty.

Thus having finish'd with a general consent, and compleated the Surrender under the Common Seal of the City, they sent it to *London*, and it arrived there the 18*th* day of *March*, and was, according to Order, deliver'd: But that the Government of the City might be kept a foot, and Peace preserv'd in the City till the New Charter was granted under the Broad Seal, the Surrender was not enroll'd till the New Charter was fully perfected.

By this plain account of matter of fact, so clearly proved by the several Gradations and distances of time, by the several Meetings from the 3*d* of *February*, to the 14*th* of *March*; by the fair Notices and Summons, free Debates, unanimous Consent; by the even course and fair Method of Proceedings, I suppose it does manifestly appear to all that are willing to be convinc'd, and will not take a false, scandalous Forgery and Fiction for Truth, that the Mayor acted freely, voluntarily and cheerfully, and his Brethren unanimously, constantly and steddily. If any Man yet doubt what put the Corporation upon this Action, and whether a *Quo Warranto* were sent for or not? Let them know this for their satisfaction, that the Citizens had reason to be jealous their Franchises were in danger, when 18 of 31 had not taken the Oaths requir'd by the Corporation-Act in any Capacity or Employment, they had pass'd thorow for 17 years together, and also were every day affronted, impos'd upon and slighted, as Persons that acted extrajudicially by several that were satisfied of their Legal failings, and disputed the Power and Authority by which they acted. As for the *Quo Warranto*, the Persons are yet living that sent for it, and Persons of Honour who were applied to for the getting of it, and put a stop to it, can sufficiently evince this; for the *Quo Warranto* was sent for, and Breaches assign'd in two Sheets of Paper, written of all sides; and those so fatal, (as from good Authority I had the account) that the Citizens, if they contended, were morally certain to be overthrown: This was done the 11*th* of *January* last, the *Quo Warranto* was long expected, and as friendly and happily prevented; for it is not the nature of the People here to contend with their King, but to serve him loyally and obediently.

The next base Reflexion that is made, is upon His Majestie's Truth, Goodness and Clemency, in these words.

[*But lately a new Charter is return'd with Addition of a Fair, and the words* Quamdiu nobis placuerit: *As long as it shall be our Pleasure.*]

The false Mercury, (lest the giddy unstable Factio should not understand his meaning) hath taken the pai to translate it for them, but it had been better he ha left them to pick out the English of it, than to have s factious a falshood, so plainly detected, by a reciproc Traslation of the Record it self under the Broad Seal The Citizens had two Fairs before, the King gives the a third, and that to begin on *Wednesday* in *Easter*-wee yearly, and *per tres dies in perpetuum duratur*, to endur for three days to perpetuity. As to the Charter it self so Gracious and Just hath His Majesty been, according t his Royal Promise at the delivery of it up, that he hat not disfranchis'd one Man; he hath confirm'd their Pri vileges, pardon'd their Omissions and Commissions o Non-user or Mis-user of their Franchises in these words *Sive non usi sive abusi fuerint*, Whether they have no used or abused them; He hath left the Government i the same Number, with the same freedom of Electin all their Officers, and under the same Qualifications, an reserv'd nothing to himself and Successors, but (wha cannot hurt them,) the Approbation of a High Stew ard, Town-Clerk, and the six standing Justices upon Vacancies, after they have been Elected upon that ac count. There is the same present Mayor, and in al likelyhood the succeeding Mayor that was of course t come in by the former Charter will be elected; It i true, the King hath left out some that were in before and put others in their room; a Liberty of preference which, I suppose, is deny'd none that have (in much les matters than this) a power to do so; and 'tis sawcily done of the Pamphletier to regret the King this Choice which every Steward of a Leet hath in making up of a Jury, and which the Gentlemen in power within th Scribler's view do use frequently and freely, otherwis the Nation would never have been plagu'd with so man Ignoramus-Juries; and it would better become the goo Manners of the Secretary to the Faction (who 'tis be liev'd himself depends on the making such Juries,) t acquiesce in His Majestie's Royal Will and Pleasure, tha to pretend to guess and insinuate false Causes, and sug gest Factious ones, which himself (if a discreet a Ma cannot believe: I cannot deny but the Gentlemen tha are omitted are most of them Observers and Favoure of the Church, as by Law establish'd; but it is as true that some of them were in the Common Council in th time of Rebellion, when 22 honest Men were in one yea for their Loyalty only turn'd out, and were over-look'd in the purging Act: I wonder how Mr. *Janeway* come to urge that as a good Character now, that they love the Church as by Law establish'd, who is himself so great a Stickler for True-blew Protestants, and those that live against the known Laws; but now it seems it serves a turn to inflame the angry, and animate others to an obstinacy against their Prince, who are now in the same misfortune as to their Corporation-Delinquencies: I shall now trace the Beast a little farther in his own words.

[*Yet we do not hear of any thing pretended to be alledged against those so omitted.*]

By this it appears plainly, that His Majesty acted freely according to his Will and Pleasure, which troubles Mr. *Janeway* sorely, and the Mobile too.

[*And people are troubled to guess the Reason.*]

Of these I suppose the busie Inflamer is most concern'd, but he must make court to his long-adored Idol the People: But why must the People be said to regret the King's Actions, or be at a loss to find a Reason for that which they have nothing to do with? But my Masters, and Friends, and Good People draw near, and hearken to *Vox Populi*, which some elder Pamphlets have call'd *Vox Dei*. You see by this, Republican Love cannot be hid; and now farewell to the strict Observers and Favourers of the Religion as by Law establish'd. For a Cause see what other starts up, and is as suddenly like a Mush rome of a Nights growth by himself destroy'd.

[*Unless it should be because they Voted for their late Worthy Burgess, Esq*; Foley.]

So did most of those that are in the New Charter a

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he Election of Members for the laſt Parliament, there eing a very ſhort Conteſt; but you ſhall hear him anver himſelf.

[*But this no diſcreet Man can believe to be the Cauſe.*]

Why then doth the Fool urge it? yes, he had a Reaſon or it, and out it muſt.

[*Eſpecially ſince 'tis not doubted but whenever his Sacred Majeſty ſhall be Graciouſly pleas'd to command an Election for Parliament, Mr.* Foley *will yet have as many Electors as ever.*]

Here is a touch of his Divination; yet as great a Conurer as the Gentleman is, I ſuppoſe he knows as little what the Event of the next Election of Members will be, s he knows the Time of Calling a Parliament, and muſt e contented, (Maugre all his great aſſurance) to leave he iſſue thereof to time, for many things may happen efore that day, as the Converſion of Thouſands of Whiggs, the downfall of Ignoramus's, that obſtruct uſtice, the ſuppreſſion of Faction, the condign puniſhment, as well as detection, of the Favourers and Heads of Diviſion, and Underminers of the Government, the requent uſe of the Pillory for Libellers, and a juſt value put upon the beſt of Kings and beſt of Governments; however, I ſuppoſe this great Undertaker keeps no Enſurance-Office for Parliament-Adventurers. It is evident to all ſober unprejudic'd perſons, that Mr. *Janeway*'s Exceptions (though falſe) againſt the Proceedings of the Corporation, are not out of any Pique he hath to any perſon now in the ſame, or to any defence he is concern'd in for any Man that is out; but the Hireling writes to pleaſe a Party, and to ingratiate himſelf with a Faction, that gives him Bread, and ſupports him to amuſe the credulous Rabble by reflecting upon the Government, as he hath ſcurrilouſly done in his Pamphlet, otherwiſe he durſt never have ſo maliciouſly abuſed his Majeſty with averring and publiſhing of things quite contrary to the Record, for in the whole Charter which I have had occaſion often to reade over, there are no ſuch words in it as *Quamdin nobis placuerit*; but it is as full in all reſpects (except in thoſe before mentioned) as ever; and whereas he ſeems to keep aloof of, and is for his Necks ſake tender of making mention of his Majeſty; yet I would fain know upon whom that Reflexion of diſplacing the ſtrict Obſervers and Favourers of the Church, as by Law eſtabliſh'd, (which in the Charter is alledged to be done) muſt ultimately reſt.

Now I ſuppoſe I have given you a faithfull and full account of this matter, as to what concerns the Charter, any perſon yet doubting may have recourſe to the Signet-Office, Privy-Seal or Patent-Office for his better ſatisfaction; I ſhould be aſham'd to miſ-recite a Record, but much more to miſ-repreſent it to the People with falſe Gloſſes, nay falſhood it ſelf, as the foul-mouth'd Pamphletier hath done: The Gentlemen by the King's favour, new put into Employment in the new Charter, do not ſo much think themſelves expos'd in this baſe, vile, falſe, ſcurrilous Pamphlet, as they do apprehend the King reflected on, and the Government injur'd: It is publickly known to all, that at this time ſome conſiderable Charters are upon the point of Tryal, and that many more are in ill Circumſtances, and willing to ſurrender; At this time to render the King inconſtant in his promiſes, ſevere in taking advantages of his Subjects (that were willing to own their Omiſſions, and to ſue for pardon, and a renewal of their forfeited Franchiſes, and to lay their Charters humbly at his Majeſtie's feet, (which are already under his power) in hopes of being reſtor'd to the ſame, if not greater Privileges) is to make the beſt of Kings odious, and the ſubmiſſive Subjects ſtubborn and obdurate to all the Offers of Clemency and Grace, and rather fond to eſpouſe and contend for a miſtaken Right to the uttermoſt, than truſt or fall into the kind expanded Arms of Royal Mercy, which never yet fail'd the penitent Delinquent, and under which (if you will believe the perſon that hath provok'd it often, forfeited it more, and needs it moſt) the unfortunate fall gently; and if I be not miſtaken, this at laſt muſt be the refuge of this profligate wretch, who is (without the King's Mercy, which he hath often abus'd) utterly undone; beſides, the Actions and Indictments which he is liable to for the ſeveral Libels ſent out into the Nation by him, that do countenance Faction, and diſcourage and abuſe the honeſt actings of the King's beſt Subjects is a load he will hardly be able long to bear the weight of, but muſt ſink under it; for little *Hancock* tells us in a late News-Letter ſent to this Town, that the Government is too powerfull for Mr. *Janeway*: It is to be hoped, that on the one ſide the diſcerning part of the Nation will be able to diſcover the Cheats put upon them, the Artifices and Tricks of a deſperate Party and Faction, the daring impudence of Mercenary Libellers, and that the miſ-guided and miſ-informed people will return to their Duty, and be ſhamm'd and trepan'd no more into a diſeſteem of the Prince, a diſvalue of his Government, a good opinion of the Factious, and a prejudice againſt them that love the King and his Government in Church and State, as it is now exercis'd, and by Law eſtabliſh'd: I have been forced for the Vindication of the honeſt Actions of the Citizens, which have been ſo manifeſtly traduc'd by the unbounded Liberty of the ſcurrilous Intelligencer, to ſtretch this beyond the due limits of a Letter, to ſhew by undeniable Arguments the fair Method of all the Proceedings, the Mercy and Goodneſs of his Majeſty in pardoning, and his Juſtice and Gracious Favour in re-granting our Liberties when forfeited by Law, and that with an advantageous addition. You may here ſee a Generous Prince holding forth his Sceptre of Grace to his loyal, but ſubmiſſive Subjects, preventing their fears, meeting their wants, and relieving them with Honour and Juſtice; and I do ſtedfaſtly believe, that no perſon, no body of Men, whether incorporated or not, (if in our late condition or worſe, as perhaps now ſome expecting Judgment are,) unleſs they have ſtrangely demerited and diſoblig'd his Sacred Majeſty, but may ſafer confide in his Mercy and Goodneſs, than in all the dark Umbrages and cunning Sophiſtry of the wreſted Law, and all the thin Cobweb Pretenſions of their own Innocency and avowed Right; for we have ſuch a Prince as none can in Reaſon ask what he will not in Goodneſs grant, or err ſo far, (and that ſome happily know) that he cannot with Clemency forgive; and this is all that can be ſaid in favour of ſome great diſturbers of the Government, and is all their hopes, that they have not yet in their Crimes exceeded his Natural Genius of pardoning: In this Rank our Scribler is one, who will find it the beſt Game he can play to make an early application to a juſtly incenſed Prince, and ſhew this one mark of his Chriſtianity, that he is not obſtinate paſt repenting; a Pardon ſo gain'd would prevent thoſe miſchiefs which will juſtly fall upon his head, from the maliciouſly abuſed Lovers of the King and Government; and it may be in imitation of the Royal Clemency, the ſeveral good Subjects that are ſo highly and undeſervedly provok'd, may follow the grand Exemplar of Goodneſs and Patience, and Pardon too; If not, I ſuppoſe a ſharp and ſudden courſe of Juſtice will be his Fate and Fortune. I take leave to ſubſcribe my ſelf

Your faithfull humble Servant.

LONDON, Printed for *Joanna Brome*. 1682.

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The CASE *of the Inhabitants of* GREENWICH, *in the County of* Kent, *and* Reaſons *why they ask Relief for Rebuilding their Pariſh-Church.*

816.m.16. 9

Shewing.

THAT on *Tueſday* the 28th Day of *November* laſt, about Midnight the Roof of the ſaid Pariſh-Church fell in, whereby the Walls of the ſaid Church are ſo ſhaken, that by the Judgment of skillful Workmen that made a View thereof, the ſaid Church cannot be Repaired but muſt be Rebuilt: The Charge whereof, by a moderate Computation, will amount to the Sum of 6000*l.* and upwards, which the Inhabitants of the Pariſh are not able to raiſe; but humbly hope the Honourable HOUSE of COMMONS will compaſſionate their deplorable Condition, and give them ſuch Relief therein, as they in their Wiſdom ſhall think fit, and for the Reaſons following:

I. The Decay of the ſaid Church was not perceiv'd by the Inhabitants, and conſequently could not be prevented; and that the fall of the Roof was ſudden and unexpected, occaſion'd by a hidden Defect in the innermoſt Part of the largeſt and principal Pillar, that fell and brought the Roof with it, and not by Negligence of the Pariſhoners, who from Time to Time conſtantly and diligently Repaired all Defects of the ſaid Church as ſoon as diſcover'd, and within a few Years laſt paſt had laid out ſeveral Hundred Pounds in the Support and Decoration thereof, and did not apprehend the ſame in any Danger; but believed it might have ſtood Hundreds of Years.

II. That the Town is within this Twenty Years mightily Depopulated and Deſerted by the Richer Sort, who formerly liv'd there, and gave it the Reputation of a Wealthy Pariſh, as is evident by the largeſt and beſt Houſes now being Empty, and having been ſo for ſome Years.

III. That the greateſt Part of the few Gentlemen that now live there, are only Tenants at Will, and therefore it cannot be expected they will be at ſo great an Expence as the Building of a Church in a Pariſh where they have no Eſtate, and from whence they may remove at Pleaſure; ſo that the Burden of Building the ſaid Church muſt be upon the greateſt Number, which are the Pooreſt of the Inhabitants.

IV. That Nine Parts of Ten of the Inhabitants of the ſaid Pariſh conſiſts of Seamen, Watermen, Fiſhermen, and others, who for the moſt part are Imploy'd in Her Majeſty's and the Merchants Service at Sea, and have numerous Families: And the Trading Part of the Town (conſiſting only in the Neceſſaries of Life) are in a low Condition by the long Credit they are forc'd to give to Sea-fairing-Men and their Families, which are frequently in long Arrears of Pay.

V. So many Maſter of Families, Inhabitants of the Pariſh, have been loſt in the great Storm, Sir *Cloudſley Shovel*'s Misfortune; and other Accidents of War, their Widows and Children, to the Number of 3000 and upwards, have become a Charge to the Pariſh, and have been Maintained and Provided for (and many of them are ſtill ſo) at the Charge of the reſt of the Pariſhoners.

VI. That the ſaid Pariſhoners having for Forty Years paſt, contributed to the Rebuilding of St. *Paul*'s and other Churches by the Taxes on Coals, the greateſt Number of the Inhabitants (and upon whom the inſupportable Burden of Building the Pariſh Church muſt lie) being Perſons that Daily venture their Lives in Her Majeſty's Service, and for the Defence of their Country, It is Humbly Preſumed they may be entitled to the Compaſſion of the Honurable HOUSE of COMMONS for ſome Relief in this their Deplorable Calamity; and that as the Town hath hitherto been without Diſſenting Meeting-Houſe, ſo the Hopes of ſuch who (taking Advantage of the want of a fit Place for the Service of God) endeavour to ſeduce the Inhabitants from their former Zeal for the Church of *England* to Schiſm and Enthuſiaſm, may be fruſtrated.

And as St. *Paul*'s is now finiſh'd, or near it, and the Duties granted on Coals for that Purpoſe have ſeveral Years yet to come, and may probable produce much more than will pay all Debts and Charges of the ſaid Building, and alſo all Monies borrowed on that Account.

Therefore they Humbly Pray, that the ſaid Sum of 6000 l. *or what other Sum your Honours ſhall think fit for Rebuilding the ſaid Pariſh-Church of* Greenwich, *may be aſſigned out of the Overplus of the ſaid Duties which ſhall remain over and above defraying all Debts and Charges depending thereon, or ſuch other Relief as to your Honours ſhall ſeem meet.*

THE CASE

Of the Inhabitants of Greenwich *in the County of* Kent, *and* Reaſons *why they aſk Relief for Rebuilding their Pariſh-Church.*

The Caſe of Rupert Browne, Gent.

UPON

A Grant by King *Charles* the *Second*, under the Dutchy Seal of the Honour of *Tudbury*, and Foreſt or Chaſe of *Needwood*, and other things therein Granted.

THAT Colonel *Edward Vernon*, Deceaſed, (being Mr. *Browne*'s Uncle) informed him, that His then Majeſty had promiſed him a Grant of the Premiſſes for 7000 *l.* in Money, and a Conveyance to the King of the Lands at *Shereneſs*, whereon the Fort was Built, with a Releaſe of all Demands, the old reſerved Rents, and an addition of ſo much in Money as would amount by encreaſe of Rent and deduction of Fees, to 70 *l. per Annum*, and keeping for His Majeſties Service 1000 Deer for ever, clear of all Charges, and deſired he might uſe the Name of Mr. *Browne* and his Servant *Boheme* in the ſaid Grant.

And Mr. *Browne* at Colonel *Vernon*'s Requeſt, did Advance and pay the 7000 *l.* and the Land at *Shereneſs* was Conveyed to His Majeſty.

21 *November*, 1683. The Grant paſſed the Dutchy Seal.

4 *February*, 1683. Mr. *Browne* lent Colonel *Vernon* 3300 *l.* upon Security of the ſaid Grant.

7 *March*, 1683. That Colonel *Vernon*, *Browne* and *Boheme* Conveyed the whole Premiſſes to Mr. Serjeant *Birch*, as to a Moity for the Uſe of Mr. *Browne* and his Heirs, in conſideration of the ſaid 7000 *l.* and as to the other Moity in Truſt, to Re-pay Mr. *Browne* the ſaid 3300 *l.* with Intereſt in the firſt place, and afterwards to pay Colonel *Vernon*'s other Debts, and then in Truſt for the Colonel and his Heirs.

6 *December*, 1684 Mr. *Browne* Paid the Receiver General 68 *l.* 11 *s.* 9 *d.* ¾ in part of the Rent reſerved upon the the ſaid Grant.

6 *February*, 1685. A Decree was made by the Lord Chancellor *Jefferys*, upon an *Engliſh* Bill brought in *Chancery*, for ſetting aſide the ſaid Grant; and that His Majeſty ſhould have the Land at *Shereneſs*, although no ſuch thing was mentioned or deſired in the Bill or *Information* brought by Mr. *Attorney General*.

But in the ſaid Decree no care was taken of Mr. *Browne*, or for Re-payment of the 7000 *l.* or 3300 *l.* or of 68 *l.* 11 *s.* 9 *d.* 3 Farthings. Nor was the ſaid Serjeant *Birch* made a Party to the ſaid Decree.

Trinity Term, 1686. Thereupon Mr. *Browne* brought a Bill in *Chancery* againſt Mr. Attorney-General and the Receiver General, for the 7000 *l.* Purchaſe Money, and 68 *l.* 11 *s.* 9 *d.* 3 Farthings Rent, and did at length at his very great Charge, obtain a Decree for the ſame, to be Re-paid.

That Mr. *Browne* conceiving he was Aggrieved by the ſaid firſt Decree, for that he who was an innocent Purchaſer for a valuable Conſideration, and not privy to any undue Means uſed in obtaining the ſaid Grant, (if any were) was by the ſaid Decree to loſe his 3300 *l.* really Lent, and the Intereſt thereof and of the ſaid 7000 *l.* and all his Charges, and never Received one Penny Profit out of the Premiſſes.

Upon Their Majeſties Acceſſion to the Crown; Mr. *Browne* being Adviſed that the ſaid Decree was a ſtrange and an unuſual Decree, and very Erroneous, He hath brought a Bill of Review to Reverſe the ſaid Decree.

And now a Bill hath been Read, and is endeavoured to be paſſed into an Act of Parliament for avoiding and annulling the ſaid Grant or Letters Patents.

The Suggeſtions in the Act which is attempted to be Paſſed, are,

1. the Overvalue of the Premiſſes.
2. The obtaining the Grant by Surprize.
3. The Decree in *Chancery*.
4. That the 7000 *l.* hath been Re-paid, but that the Letters Patents have not been Surrendred.

Anſwer. As to the Overvalue and obtaining the Grant by Surprize, Mr. *Browne* was not concerned therein, nor privy thereto; and he ſuppoſeth they are both Miſtakes, and might be made out ſo to be.

As to the Decree, a Bill of Review is brought to Reverſe it.

'Tis true, the 7000 *l.* was received back, but not without a Suit;

And in caſe the ſaid Act ſhould paſs, Mr. *Browne* will not only loſe the Intereſt of the ſaid 7000 *l.* and all his Charges, but alſo the ſaid 3300 *l.* Principal Mony; and the Intereſt thereof.

But in Caſe the ſaid Grant ſhould be Reaſſumed, Mr. *Browne* Humbly hopes that he ſhall be Re-payd the Sums hereafter mentioned, which he conceives to be juſtly due to him, *viz.*

	l.	*s.*	*d.*
The Intereſt of the 7000 *l.* from the 21*ſt* of *November*, 1683, when paid to the King's Receiver, to the 23*d* of *February*, 1686, When 'twas Decreed to be Re-paid	1365	00	00
The Principal Sum Lent Colonel *Vernon* on a Mortgage of a Moity of the Premiſſes	3300	00	00
The Intereſt thereof from the 4th of *February* 1683. when Lent, to this time being the 5th of *February* 1695	2376	00	00
Mr. *Brown*'s Coſts and Charges upon the Title, and about the Conveyances. Of the Suits in Chancery, at Council-Table and elſewhere, by reaſon of the Premiſſes, amounting to more than	0800	00	00
In All	7841	00	00

Upon Payment whereof, Mr. *Browne* doth Humbly Submit his Right and Title in this Caſe, to his Majeſty and the Parliament.

As to Colonel *Vernon*'s Intereſt,

The Colonel Died, (leaving a Wife and two Daughters, but one of them and his Wife is ſince dead) Indebted to ſeveral Perſons to the value of 20000 *l.* and more, and ſettled this Eſtate in his Life time upon Mr. Serjeant *Birch*, as aforeſaid, and alſo Deviſed it by his Will for and towards the Payment of his Debts, and for a proviſion for his Wife and Daughters, and left no other Eſtate but what was engaged for more than its Worth.

to That Mr Browne hath his bearg beforesy Conſitted and proved ye ſeverall facts as above is ſtated and they have reported ye ſame accordingly.

And humbly hope that ye Legiſlative power will not take away his property without his conſent or making him ſatisfaction for ye ſame by paying or ſecuring ye paymnt of his money some certaine way out of the premiſes.

1695

Mr Brow de Case
The Consignation whereof is
to be before ye house
according to order.
On Wednesday 4. March

The true ſtate of the

CASE

OF THE

MAYOR and CITIZENS of *ROCHESTER*,

AGAINST

Sir *OLIVER BOTELER*, Baronet,

Upon a Writ of Errour now depending in PARLIAMENT.

THE City of *Rocheſter* is a very ancient City, and 1 *E.* 3. was incorporated by the name of the Mayor and Citizens of the City of *Rocheſter*; who by Preſcription and Grants of his Majeſtie's Royal Predeceſſors have enjoyed two Fairs yearly, and two Markets weekly, in the ſaid City, the Profits whereof have been the ſupport of the ſame, and without which 'tis impoſſible to keep up that reputation which ſuch a City may reaſonably require; for which the City pays a Fee-farm-rent of 12*li.* to the King.

Sir *Oliver Boteler*, having an Eſtate in *Chatham*, within half a Mile diſtant from the ſaid City, out of a real deſign for his own private advantage, did obout two years ſince by ſurprize obtain his Majeſtie's Letters Patents for the keeping of one Fair yearly, (though he held one there before) and one Market weekly, at *Chatham*, which if it had or ſhould continue muſt inevitably be the ruin of ſo ancient a Corporation.

The City being thus ſurpriſed were adviſed to bring a *Scire facias* in the King's Attorney General's name ſetting forth therein the matter of fact, to revoke the ſaid Patent, whereto Sr. *Oliver* appeared and demurr'd (which admits all the matter of fact to be true) and in *Hillary* Term laſt, upon ſolemn arguments by Counſel on both ſides, before the right houourable the Lord High Chancellour of *England*, aſſiſted by the Lord chief Juſtice *North* and Mr. Juſtice *Jones*, who delivered their opinions *ſeriatim*, that the Patent ought to be reverſed. Judgment was by the ſaid Lord High Chancellour given for the King to have the ſaid Patent vacated, which is entred accordingly.

Notwithſtanding which the ſaid Sr. *Oliver Boteler* has brought his Writ of Errour before your Lordſhips in Parliament to reverſe the ſaid Judgment, whereby to put the ſaid City to further Trouble and Expence.

The Caſe between the Mayor and Aldermen of Canterbury, *and Mr. Serjeant* Hardres *their late Recorder, Humbly preſented to the conſideration of the Honourable the Knights, Citizens and Burgeſſes in Parliament Aſſembled.*

A Woman with Child of a Baſtard being brought before the Mayor, upon Examination laid it to one *Read*, an Apprentice to one *Nichols* dwelling in the ſaid City.

The Mayor ſent for *Read*, who confeſſed he had had to do with her, and agreed to Marry her, and did Marry her accordingly. Which done,

The Mayor ſent his Warrant to the Church-Wardens and Overſeers of the Pariſh of St. *George*, where *Read* then lived with his Maſter, to provide for her according to Law.

Which Overſeers went to Serjeant *Hardres* (who dwells in that Pariſh) to know what they ſhould do about this matter; and he made a Warrant to carry her to St. *Andrews* Pariſh, where it was pretended ſhe had formerly dwelt in Service: And ſhe being carried thither,

The Pariſh of St. *Andrew*, they complained to the Mayor; who ſent for the Overſeers of St. *George*, and demandeded why they did not provide for the ſaid Woman according to his Warrant ſent to them? They anſwered, that Serjeant *Hardres* had ordered the contrary; Therefore they would not make any Proviſion for her. Upon this, the Mayor ſent and acquainted Serjeant *Hardres*, That he having himſelf examined the matter, made his Warrant to the Overſeers of St. *George*'s Pariſh to provide for the Woman till the Seſſions: Therefore deſired the Serjeant to recall his Subſequent Warrant; the which he refuſed to do, unleſs the Mayor would alſo recall his Warrant.

The Mayor then ſent to the Serjeant, to know when he would be at leiſure to keep a Seſſions (the Priſon of the City being full of Priſoners): He appointed *Monday* the 12*th* of *April* inſtant. The Mayor thereupon on the Two next preceding Market-days, Proclaimed the Seſſions for that day; and provided a Dinner (for the Aldermen his Brethren, and the Sheriff, and divers Gentlemen who are uſually invited) according to the uſual cuſtom.

At the time appointed, when the Mayor and Aldermen were met, and about Two hundred Citizens were aſſembled together in the Court-Hall, the Mayor and Aldermen ſent for the Serjeant who came, but (when there) refuſed to joyn with them in holding the ſaid Seſſions; openly declaring to all the People, that the Mayor was no Mayor, becauſe he had not taken the Oaths according to the Statute of 25. *Carol. Secund.* So that

(The Quarter Seſſions being appointed by the Charter of King *James*, to be held before the Mayor and Recorder, and any Two other Juſtices) there could no Seſſions be held at that time; which carriage of the Serjeant had ſo ill effect, and made ſuch Impreſſion on the Common people, that they refuſed to obey the Mayor or any of the Officers of the City. A matter of ill preſident, and as is humbly conceived, of a dangerous conſequence.

Note. The Mayor was choſen and ſworn at *Michaelmas* laſt, and kept his firſt Quarter-Seſſions a week after; and not being adviſed that he ought to take the ſaid Oaths, he neglected the doing thereof at the ſaid Seſſions; but in *Michaelmas* Term laſt, ſo ſoon as he knew he was to take them, he did take them in the High Court of Chancery before the Lord Keeper, which Serjeant *Hardres* well knew to be true: And thereupon in *January* laſt, joyned with him and the Aldermen in keeping their ſecond General Quarter-Seſſions, and appointed the time for the keeping of this Seſſions, never making any ſcruple concerning the Mayor's not having taken the ſaid Oaths till they were met in the *Guild-hall*; and then done only to make the Mayor and Aldermen contemptible to the people.

Upon this publick affront and denial of Juſtice, and that they might be enabled to keep a Seſſions, and deliver their Goal (then full of Priſoners) the Mayor and Aldermen upon the 13*th* of *April* inſtant, aſſembled together, and by the Majority of Voices, removed the ſaid Serjeant from being Recorder: And have ſince choſen Mr. *Barrett* in his Place (the which they are by Charter impowered to do) and their choice approved of by the generality of the Commonalty.

For the Charter of King *James*, by which the ſaid Office was firſt granted to the Mayor and Commonalty, directs that the Recorder ſhall be choſen by the Mayor and Aldermen, or the greater number of them, whereof the Mayor to be one, and being ſo choſen, ſhall continue during the good will and liking of the Mayor and Aldermen of the ſaid City for the time being, or the greater number of them (whereof the Mayor to be one) and no otherwiſe.

Serjeant *Hardres* hath complained of a breach of Priviledg, and contemptuous Words ſpoken againſt the Honour and Priviledg of this Honourable Houſe; and obtained an order for ſending for the Mayor and divers of the Aldermen, and the ſaid Mr. *Barrett* in Cuſtody, which according is done, and they lye in Town, and in the mean time (not only their own buſineſs, but) the Government of the City is neglected, and there is no body to hold Seſſions, or adminiſter Juſtice, whatever occaſion ſhould happen: And they all deny any deſign to break the Priviledg, or words by them ſpoken in contempt of the Honour and Priviledg of this Houſe.

This being the truth of their Caſe, they humbly pray the favour of this Honourable Houſe, to diſcharge them out of Cuſtody; and from any further attendance upon this Honourable Houſe.

An Alphabetical LIST *of the Commiſſioners appointed by two Acts of Parliament for Building a* Bridge *croſs the* Thames *from* Fulham *to* Putney.

N. B. Thoſe mark'd with a * are appointed in the ſecond Act; and thoſe mark'd with a D are dead.

A.

* THE Right Honourable William-Anne Earl of Albemarle
Sir John Auſtin, Bart.
* Francis Acton
* William Aiſlabie
Anthony Allen
* Richard Andrews
* Robert Andrews
* Chriſtopher Appleby
Thomas Archer
John Armſtrong
George Auſtin
} Eſquires
The Attorney-General for the Time being

B.

The moſt Noble Charles Duke of Bolton
The moſt Noble Wriothesly Duke of Bedford
The Rt. Hon. Richard Earl of Burlington
* Sir Cecil Biſhop
Sir John Buckworth
} Baronets
* Sir William Billers, Kt.
John Birch, Serjeant at Law
Henry Barker
* Edward Barker
* John Barnard
John Baskett
* Thomas Beake
* Charles Bernard
Hon. James Bertie
Stephen Biſſe
Hon. Martin Bladen
Dennis Bond
* Charles Boone
* Hon. Hugh Boſcawen
* Thomas Brereton
D Henry Bridges
Robert Briſtow
Thomas Broderick
Hon. Alan Broderick
Paul Burrard
* Peter Burrell
} Eſquires

C.

Lord High Chancellor of Great Britain for the Time being
Lord Chamberlain of his Majeſty's Houſhold for the Time being
Chancellor of the Exchequer for the Time being
Lord Chief Juſtice of the King's Bench for the Time being
Lord Chief Juſtice of the Common Pleas for the Time being
Lord Chief Baron of the Exchequer for the Time being
Comptroller of the Houſhold for the Time being
Cofferer of the Houſhold for the Time being
Clerks of the Green Cloth for the Time being
The Rt. Hon. George Lord Carpenter
D Sir Nicholas Carew
Sir Thomas Colby
* Sir John Cope
* Sir Thomas Croſs
Sir Nathaniel Curſon
} Baronets
William Chaple, Serjeant at Law
* Thomas Cranmer, M. D.
Charles Carleſſe
Hon. George Carpenter
D Joſeph Carpenter
Walter Cary
* Francis Child
Charles Churchill
* James Clark
William Clayton of Blechinly
William Clayton of Sundon
D Richard Clifton
* James Cocks
* Hon. Charles Colyear
* Hon. George Compton
John Conduit
James Cooke
* Anthony Corbiere
* John Croſſe
* William Curteis
} Eſquires

D.

The moſt Noble Lionel Duke of Dorſet, Lord Steward of his Majeſty's Houſhold
The Rt. Hon. John Lord De La War
* Sir Matthew Decker
* Sir Dennis Dutry
} Baronets
* Philip Dacres
Joſeph Danvers
* Robert Darell
* George Denning
Paul Docminique
* Charles Docminique
Hon. George Doddington
} Eſquires

E.

Sir John Evelyn, Bart.
* William Eaſt
Richard Edgcomb
Vigerus Edwards
John Effington
* John Evelyn
Charles Eversfield
Kingſmill Eyre
John Eyre
} Eſquires

F.

The Rt. Hon. Hugh Lord Viſcount Falmouth
The Rt. Hon. Ralph Ld. Viſcount Farmanagh
Sir Thomas Frankland, Bart.
* Thomas Foley
Mark Frecker
Thomas Frewen
} Eſquires

G.

The moſt Noble Charles Duke of Grafton, Lord Chamberlain of his Majeſty's Houſhold
The Rt. Hon. Henry Earl of Grantham
The Rt. Hon. Francis Earl of Godolphin
* Sir Richard Groſvenor
* Sir Henry Gough
} Baronets
* Sir John Gonſon
D Sir Rich. Gough
* Sir John Groſvenor
} Knights
* Joſeph Gaſcoign
* William Genew
* John Gore
* Robert Groſvenor
} Eſquires

H.

The Right Hon. Algernoon Earl of Hertford, Ld. Percy
* The Right Hon. the Earl of Halifax
* The Right Hon. Francis Lord Howard of Effingham.
The Right Hon. the Lord Hobart
The Right Hon. the Lord Herbert
Nicholas Harding
* Nicholas Harding, jun.
Edward Harriſon
George Harriſon
* William Harvett
Michael Harvey
Daniel Harvey
* Henry Harwood
George Hatley
William Hatton
* Thomas Hatton
* Humphry Hill
* Philip Hollingworth
John Hopkins
* Samuel Horſey
Hon. Thomas Howard
George Howard
John Huggings
Edward Hughes
* John Hungerford
} Eſquires

I.

The Right Hon. Sir Joſeph Jekyll, Kt. Maſter of the Rolls
Sir Thomas Jones, Kt.
Robert Jacomb
John Jeffreys
William Jones
} Eſquires

K.

The Right Hon. Peter Lord King, Lord High Chancellor of Great Britain
Henry Kelſall
* James Kendall
Hon. John King
} Eſquires

L.

The Rt. Hon. Henry Earl of Lincoln
* Richard Lilly, M. D.
John Lant
* John Lawton
Iſaac Leheup
* George Lewin
Thomas Lewis
* Percival Lewis
* Thomas Lewis of Hampſhire
* Charles Lockyear
William Lowfield
Henry Ludlow
} Eſquires

M.

The Lord Mayor of the City of London for the Time being
The Maſter of the Houſhold for the Time being
The Maſter of the Rolls for the Time being
The Members of Parliament for the Cities of London and Weſtminſter, and the Borough of Southwark for the Time being
The Right Hon. George Lord Malpas
* The Right Hon. the Lord Millingtown
Sir Moore Molyneux, Kt.
* Sir Richard Maningham, M. D.
Robert Man
Reginald Marriot
* Gilbert Marſhal
* Thomas Martin
* Henry Maſterman
* Collet Mawhood
George Metcalf
* George Metcalf, Junior
D Honourable Samuel Molyneux
* Honourable Edward Montagu
Arthur Moore
William Moore
Humphry Morice
* William Morice
Charles Mountague
} Eſquires

N.

The moſt Noble Thomas Duke of Newcaſtle, one of his Majeſty's Principal Secretaries of State
Francis Negus, Eſq;
William Newland, Eſq;

O.

The Right Hon. Thomas Lord Onſlow
The Hon. Arthur Onſlow, Eſq; Speaker of the Honourable Houſe of Commons
Richard Onſlow
Denzill Onſlow
} Eſquires
* James Oglethorpe, Eſq;

P.

The Lord Privy Seal for the Time being
The Lord Preſident of the Council for the Time being
The Rt. Hon. Charles Earl of Peterborough
* The Rt. Hon. the Earl of Portmore
The Rt. Hon. Henry Lord Viſc. Palmerſton
The Rt. Hon. the Lord William Powlet
The Lord Henry Powlet
The Lord Nathan Powlet
Thomas Pagett
D John Palmer
* Henry Parſons
The Right Hon. Henry Pelham
* Micajah Perry
Daniel Pettiward
* George Petty
James Porten
The Right Hon. Wm. Pulteney
Daniel Pulteney
} Eſquires
D John Pulteney

R.

The moſt Noble Charles Duke of Richmond
* Sir Thomas Reynell, Bart.
* Gabriel Roberts
* John Robinſon
} Eſquires

S.

The moſt Noble Charles Duke of Somerſet
The Lord Steward of his Majeſty Houſhold for the Time being
His Majeſty's Principal Secretaries of State for the Time being
The Right Hon. Richard Earl of Scarborough
The Right Hon. Henry Lord Viſcount Saint John
The Speaker of the Houſe of Commons for the Time being
The Right Hon. Sir Robert Sutton, Kt. of the Bath
Hon. Sir William Strickland
Sir John Stanley
} Baronets
* Exton Sayer, L. L. D.
* Hon. John St. John
Thomas Scawen
John Scrope
Charles Selwyn
William Skelton
Thomas Spence
Edward Stables
} Eſquires
Solicitor General for the Time being
The Surveyor of his Majeſty's Roads for the Time being

T.

The Rt. Hon. Thomas Lord Trevor, Lord Privy Seal
The Rt. Hon. Charles Lord Viſcount Townſhend, one of his Majeſty's Principal Secretaries of State
Lords Commiſſioners of his Majeſty's Treaſury, or Lord High Treaſurer for the Time being
Treaſurer of the Houſhold for the Time being
Sir James Thornhill, Kt.
* George Tilden
* John Girardot de Tilieux
Chriſtopher Tilſon
George Tilſon
William Tindale
Jacob Tonſon
* John Torriano
* John Tournay
Hon. William Townſhend
Hon. Thomas Townſhend
} Eſquires

V.

D Thomas Vernon
* Edward Vernon
Samuel Vincent
Henry Vincent
* William Vincent
} Eſquires

W.

Right Hon. Robert Lord Walpole
Right Hon. Spencer Lord Wilmington
Right Hon. Sir Robert Walpole, firſt Lord Commiſſioner of the Treaſury, and Chancellor of the Exchequer
Sir Thomas Webſter, Bart.
Sir Charles Wager, Kt.
Thomas Walker
Hon. Horatio Walpole
John Walter
* William Ward
* William Welch of Clapham
Robert Williamſon
Henry Wiſe
* Charles Wither
Thomas Woodford
William Wyndham
} Eſquires
Officers of his Majeſty's Works for the Time being, viz.
Surveyor General
Comptroller General
Surveyor of the Gardens and Waters
Maſter Maſon
Maſter Carpenter
Paymaſter of the Office of Works

Y.

Hon. Sir William Yonge, Knight of the Bath

THE CASE

Setting forth His MAJESTIES RIGHT *to the MANOUR of* NEWINGTON-BARROW *in the County of* MIDDLESEX.

ABout the begining of His late Majesties Reign, Sir *Allen Apsley* Knight deceased, then Victualler of the Navy did Petition his said Majesty and Privy-Council for an Assurance of Land from His said Majesty, for 20000 *l.* part of an Arrear in the said Petition mentioned, to be then due from His said Majesty to the said Sir *Allen Apsly* and his Creditors, for Victuals and Provisions for His said Majesties Ships and Fleet: And, His said late Majesty and Council did thereupon agree, and afterwards Contract with the said Sir *Allen Apsly* for the Passing of 714 *l.* 5 *s.* 8 *d.* ½. per Annum, for satisfaction of the said Summ of 20000 *l.* for which the said Sir *Allen Apsly* stood at that time ingaged to his said Creditors for the Provisions aforesaid. (*a*)

In pursuance whereof His said Majesty by Letters Patents dated 15 *Sept.* 5to *Regni sui*, did Grant and Convey *Inter alia*, the said Mannor of *Newington Barrow* to persons in trust for the said Sir *Allen Apsly* and his Heirs. (*b*)

This Grant was so made by His said late Majesty for the Purposes aforesaid, upon Presumption, That the said Sir *Allen Apsly* had not then Mony enough of His said Majesty in his hands to discharge the said 20000 *l.* for which he stood so ingaged to his said Creditors for the Provisions aforesaid, although it did afterwards appear by the Accompts of the said Sir *Allen Apsly* passed in the Exchequer, That, at the time of the said Grant, the said Sir *Allen Apsly* had otherwise received of His said Majesty (which was then remaining in his hands unaccompted for) above 20000 *l.* more then would have satisfied the said 20000 *l.* for which he stood so ingaged for the Provisions aforesaid; which was never afterwards Discharged, but at the said Sir *Allens* death was increased to near 40000 *l.* which (besides the value of the said Mannour and Lands never Accompted for) Remains a Debt in Arrear to His said Majesty upon the said Sir *Allen Apslyes* Accompt at this day. (*c*)

That notwithstanding the said Arrear, and Grant of the said Mannour, *&c.* for the purposes aforesaid, the said Sir *Allen Apsley* dying before the said Creditors were paid, the said Creditors were left without Remedy by any ordinary course of Law, to recover their said Debts against the said Sir *Allen Apslyes* Trustees for the said Lands, because the Trust reposed by His said Majesty in the said Sir *Allen Apsly* for payment thereof, nor the said Creditors, nor their respective Debts were not particularly expressed in the Body of the said Grant, contrary to the Purport of the said Sir *Allens* Petition, and the Agreement and Intent of His said Majesty and Council thereupon for Passing thereof.

Therefore, upon the Humble Petition of the said Creditors to His late Majesty and Council for Relief against *Thomas Austin* of *London* Cheesmonger, a Creditor of the said Sir *Allen Apsly*, (and one of his Patentees for *Gualtres* Forrest) who pretended to have purchased the said Mannour of *Newington Barrow* from the said Sir *Allen Apsly* and his Trustees; the same was referred to the Examination of Sir *John Banckes* His said Majesties then Atturney-General, by whose Report thereof, and by the said *Austins* own Accompt upon Oath, taken by the then Auditors of the Impreſt, and Reported by them to His said late Majesty and Council: and, upon several great Debates before His said late Majesty and Council, in the presence of the said *Austin*, assisted with Counsel Learned in the Law, It did appear, that the whole Mony for which the said *Austin* pretended the said Mannor of *Newington Barrow* was so conveyed unto him, was but 2500 *l.* And, that the same was part of a summ of 3000 *l.* formerly due to the said *Austin* for Victuals delivered for the use of the Navy. Which said 3000 *l.* was (with other Monyes) secured to the said *Austin* and others by a Mortgage of *Gualtres* Forrest in *Yorkshire*, before the said *Mannor* was so conveyed unto him, and afterwards fully paid unto him out of the same: So that it did thereby appear to His said Majesty and Council, that the said *Tho. Austin* had not really *& bona fide* paid one penny Consideration for the said Mannor of *Newington Barrow*. Whereupon the said *Thomas Austin* was expresly commanded by several Orders of His said late Majesty and Council, to Convey over the said Mannor of *Newington Barrow* to the use of the said Creditors, towards the satisfaction of their said Debts; But, the said *Austin* taking advantage of the Wars suddenly intervening, stood out in contempt of the said Orders, and by meanes thereof, he, and those claiming from him, have ever since wrongfully deteined the same from His said late Majesty, His present Majesty, and the said Creditors. (*d*)

Since His Majesties happy Restauration, this whole Matter, and *Austins* Title to this Mannor, was fully debated before a Committee of the Honourable House of *Commons*; and, after all that could be alledged by the present pretenders, *Tho. Austin* and his Guardian, assisted with Counsel Learned in the Law, upon the said Committees Report thereof to the House, leave was given by the House for a Bill to be brought in for the said Creditors Relief, which was accordingly done the next Sessions, but the Parliament was Adjourned, and afterwards Prorogued, before it could be finished. (*e*)

Since that time the said Creditors, by reason of their long sufferings and delayes, and the vast charges and expences they have been at for so many years in seeking Relief in the Premisses, being for the most part utterly undone, and altogether unable any longer to maintain so chargeable a Prosecution, have Humbly Supplicated His Majesty to make payment of their said Debts some other way, and to accept of all their Equitable Right and Interest in and to the Premisses, which His Majesty hath Graciously accepted, and thereupon passed unto them His Royal Word and Promise for their speedy satisfaction.

Also this business by Special Order of His Majesty in Council, hath been lately Referred to the Right Honourable the Lords Commissioners of the Treasury; and, by Order of Reference from their Lordships, the whole Matter of Fact hath been Examined, and Stated by Sir *Charles Harbord* His Majesties Surveyor General, and the most proper Remedy by him Proposed for recovering the said Mannor, is by Bill in Parliament.

Upon another Reference thereof from His Majesty and their Lordships, to Mr. Attourny-General; the same Remedy for His Majesty to recover the same is by him also proposed and directed. (*f*)

Wherefore this Bill is accordingly brought in for vesting the said Mannor of *Newington Barrow* in His Majesty upon the Reasons aforesaid.

This way of Proceeding cannot be easily drawn into Example, to the prejudice of others, that have Grants from the [illegible] cause 'tis confidently supposed there is no other Grant extant of the same nature.

Nor can this be judged to be any surprize upon the said *Austin*, because his Title hath been in Dispute by a contin[illegible] (unless during the time of the Civil Wars) for above thirty years, and could not be determined by Course of [illegible] above mentioned.

(a) *Petition recited in the Order of Council, Dat. 6th. Febr. 1627.*
Order dat. 7th of July. Contract. Dat. 15. Aug. 1628.
(b) *Letters Patents, dat. 15th Sept. 1629.*
(c) *Order of Council, dat. 3d. of November, 1637 Sir Allen Apslyes Accompts in the Exchequer, for the years 1627 and 1629.*
(d) *Atturny Generals Report in 1638, confirmed by Order of Council, dated 23d of November, 1638, and Auditors Certificate.*
Orders of Council, dat. 6th March 1638, and the 26th of April 1639, and the 19th of July, 1639.
(e) *Committees Report, and Votes of Parliament, 2d of March 1664.*
(f) *Order, dated 20 of October, 1669. Sir Charles Harbords Report, dated 20th of December 69.*

THE CASE
TOUCHING
Newington Barrow,

In anſwer to the CASE of
THOMAS AUSTIN Eſquire,
Lately by him preſented to the Conſideration of the
Honourable Houſe of *COMMONS* in Parliament aſſembled.

THe ſaid Mannor of *Newington Barrow* and other Lands, about the year 1629 were conveyed by His late Majeſty to divers perſons in truſt for Sir *Allen Apſly* Knight deceaſed, then one of the Victuallers of the Navy; for no other conſideration but to enable him to make payment of divers Debts due to his Creditors for Marine Proviſions taken up from them, upon Credit for the ſervice of his ſaid Majeſties Navy, amounting to the value of 20000 *l.* and upwards; which is otherwiſe ſet forth in Mr. *Auſtins* Caſe. The truth hereof appears by the Contract it ſelf, and divers Orders of Council made before and after the ſaid Grant, and the late Attorney General Sir *John Bankes* his Report to his late Majeſty and Council made in that behalf.

And it is believed to be true that at the time of the ſaid Grant, the Demeſnes of this Mannor were in Leaſe for 36 years then to come, at the yearly Rent of 67 *l.* 11 *s.* 9 *d.* But the Perquiſits of Courts and Contingent Profits of the ſaid Mannor have been worth (*Communibus Annis*) ten times more than in the ſaid Caſe is expreſſed.

That the 3000 *l.* Conſideration mentioned to be paid by *Auſtin* the Grandfather for the ſaid Mannor, was not really and *bona fide* paid for the ſame; as in the ſaid Caſe is untruly ſuggeſted: as appears by the ſaid late Attorney Generals Report, and *Auſtins* own Account taken and reported by the then Auditors of the Impreſt to his late Majeſty, and divers Orders of his late Majeſty and Council made for the reaſons aforeſaid, to require the ſaid *Auſtin* to deliver up the ſaid Mannor to the uſe of the ſaid Creditors.

That this purchaſe was not abſolute, nor for a full and valuable Conſideration, but upon a farther Truſt between Sir *Allen* and the ſaid *Auſtin*; and neither he nor thoſe claiming from him have ever ſince quietly held or enjoyed the ſame.

That upon the Creditors Petition to the Honourable Houſe of Commons for Relief, this whole matter, and *Auſtins* Title to this Mannor, was fully debated, and after all that could be alledged by the ſaid *Tho. Auſtin* or his Guardian, aſſiſted with Councel learned in the Law; Upon the Committees Report thereof, It was reſolved by the Houſe, That the ſaid *Auſtin* the Grandfather in the Caſe mentioned, was privy to the Original Truſt repoſed by his late Majeſty in Sir *Allen Apſly*, for ſale of the ſaid Mannor and other Lands, for payment of the ſaid Creditors Debts; and thereupon leave was given for the Creditors to bring in a Bill for their relief, which was accordingly done laſt Seſſions, but not finiſhed, as appears by the ſaid Report and Bill remaining with the Clerk of the Houſe.

Since which time His Majeſty at the humble Supplication of the Creditors, hath undertaken to pay their Debts, ſo long unpaid, notwithſtanding ſuch Grant of the Mannor and other Lands, for ſatisfaction thereof; and hath thereby right to recover back the ſaid Mannor, and an Accompt of the Profits thereof wrongfully received by *Auſtin* the Grandfather and thoſe claiming from him.

That doubtleſs, It would be for Mr. *Auſtins* advantage to hinder His Majeſties Royal Bounty to the Creditors, and have them left to an ordinary courſe of Law to recover their Debts; that he might wage Law againſt them with their own money, as he and his Predeceſſors have done many years paſt already. But the Creditors having now reſigned up all their equitable right and intereſt in the premiſſes unto His Majeſty, the Suit formerly commenced in the *Exchequer* on their behalf, is long ſince at an end; and His Majeſty cannot be thereby obliged to the ſame method in the recovery of his right, but is at liberty to take his beſt and ſpeedieſt remedy, which is by Bill in Parliament.

The former Bill was for veſting this Mannor in certain Truſtees, for the King and the Creditors to pay the ſaid Debts; this Bill is for veſting the Mannor in His Majeſty upon the reaſons aforeſaid.

616. m. 16.
17

THE CASE OF

The Miniſter, Church-Wardens and Inhabitants of Hampſtead, *in the County of* Middleſex, *in Relation to the Rebuilding and Enlarging the Pariſh-Church there.*

THAT the ſaid Church, by Reaſon of the great Diſtance of Time ſince the ſame was Built, (notwithſtanding the great Charges the ſaid Pariſh have ſuſtained in the continual Repairs thereof) is become Ruinous, and in ſo dangerous a Condition, that the Inhabitants cannot come to Divine Service without Apparent Hazard of their Lives; and in the Judgment of Skillful Workmen, on a View taken, it's Incapable of Repair, and muſt Inevitably be Rebuilt; the Charge of which, upon a moderate Computation, will amount to Two Thouſand Five Hundred Pounds and upwards: Which Sum the Pariſhioners are not Able to raiſe, without the Compaſſionate Aſſiſtance and Relief of this *Honourable Houſe*; which, as it is Humbly Conceiv'd, is intended for other Churches in the like Circumſtances, and for that within Twenty Years paſt, the Poors Rate of the ſaid Pariſh was but Fifty Shillings *per* Month, it now amounts to Sixteen Pounds a Month, as by the Pariſh Books will be made appear.

THAT the Town of *Hampſtead* being a Place of great Reſort, eſpecially in the Summer-Seaſon, the ſaid Church (were it in a Repairable Condition) would not be ſufficient to Accommodate One Half of the Pariſhioners, and Others, who are Deſirous of coming to Divine Service there.

WHEREFORE it is Humbly Pray'd, that the Honourable Houſe of Commons *will Vouchſafe the ſaid Pariſhioners of* Hampſtead *to ſhare in their Generous and Pious Intentions, in the Rebuilding and Multiplying the Churches of GOD, as to their great Wiſdom ſhall ſeem meet.*

THE CASE OF

The Miniſter, Church-Wardens, and Inhabitants of Hampſtead, *in the County of* Middleſex, *in Relation to the Rebuilding and Enlarging the* PARISH-CHURCH *there.*

284
16
816 m 16
15

An Account of the Surrender of the Old

CHARTER

OF

Northampton,

September the 26. and the manner of Their Receiving Their New *Charter*, &c.

Together with an Eloquent Speech made by *Robert Clerk* Esq; (Deputy Recorder of *Northampton*) upon that Occasion.

YEsterday, the Mayor, Aldermen, Bayliffs and Burgesses, walk'd in their Formalities to the Limits of the Town; and met the Right Honourable the Earl of *Peterbourgh*, Lord Lieutenant of the County, and High Recorder of the Town: accompanied with a great confluence of Nobility and Gentry on Horse-back; and attended by a body of the County Horse. My Lord alighting, presented a new *Charter* from the King, with an Excellent Discourse upon the Gracious favour of His Majesty to the Town. The Mayor in the name of the new *Corporation*, humbly receivied it on his Knees, with due Reverence, Joy, and gratitude of mind.

When this was done, my Lord mounted again on Horse-back; the Mayor, Aldermen, Bayliffs, and Burgesses, leading the way to the Town-Hall, the *Charter* being carried before them by the Town-Clerk bare-headed: the Trumpets sounding, Bells Ringing, and Wind-Musick playing aloud. When they came to the Hall, the *Charter* was read, which being done, *Robert Clerk* Esq; our Deputy Recorder, made the inclosed Speech, a true Copy whereof is here incerted. After this, they were all entertain'd at a splendid Dinner by the *Corporation*, and with great rejoycing, they did Solemnly and Soberly conclude that happy day.

Mr. Mayor, and You [redacted] Gentlemen of the *Corporation*.

B*Y the Bounty of His Majesty, and His Royal Progenitors Kings of* England, *you have had great Priviledges and Freedoms bestowed upon you.*

They have likewise put so much confidence in you, as to trust you with a great share of the Government of this Town.

But so it fell out, that certain evil men have lately crept into Authority among you, and by their Stubborn and Seditious Practices, have abused this Trust, and forfeited those Liberties: [redacted] *aright, when you apprehended these ill consequences sprang originally from some defect in your* Charter.

And

And you did resolve wisely, when you entred into thoughts of surrendring it, together with such Liberties and Rights, as were annex'd to your Corporation; *and to lay them at His Majesty's Feet, with an humble request, that He would grant you back what he thought most suitable for you.*

And you did it seasonably in point of time, before too much notice had been taken above, of some extravagancies that had happen'd here below; which might otherwise have produc'd inconvenient effects.

The King most Graciously accepted them; not with any thoughts (you do see) of abridging your Liberties, retaining your Revenues, or cutting off any Branch of your former Authority in the Government of this Town.

For they are all re-granted to you to a Tittle, together with some other accommodations in your Government, which you did request.

If you could have thought on any more advantages, and would have desired them, I have reason to believe you might have had them; but indeed the King hath been so kind to you, that you cannot quickly find out what he hath not already granted you.

His Majesty hath reserved only to himself, (which is truly a most Gracious Favour to you all) that whereas you have heretofore been Subject to His Correction if you did ill: now He has made it His care (by way of prevention) that you may not hereafter do amiss.

And now may you (under the Providence of Almighty God) date your Felicities from this time, if you please.

For it rests only, that you of the Loyal Party be constant and united; and the rather, because the Seditious have been broken in their measures of the late Plot, and have since then, made it their business to gain a great point in sowing Divisions among the well-affected in several parts of the Nation.

Is there any among you have been tainted with ill Principles, that you revolve often in your minds? know there is an eye upon you, which will have a respect to Justice, as well as Mercy.

And that you do shew your selves humbly grateful to the King who has graciously received your Address, pass'd by what former failings has been among you, and given you these good things, and to conclude that you bear Faith and true Allegiance to His Majesty, and to His Heirs and Lawful Successors by Birth-right, according to the Ancient and Fundamental Laws of the Crown and Kingdom: For they certainly will prove the best support of the Established Government, in Church *and* State.

FINIS.

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FINIS.

THE SPEECH OF Sr George Pudsey Kt.

At the Time of his being Sworn

RECORDER OF THE City of Oxford

IN

The Council-Chamber of the same City, on Tuesday the Eighth day of *January* $168\frac{3}{4}$ where they agreed to the Sealing the Instrument sent by his Majesty.

Order'd by Act of Council, that Sir GEORGE PUDSEY Knight, *be Desired to Print his Speech.*

BAKER.

LONDON,

Printed for *Anthony Stephens* Bookseller in *Oxford*, and are to be Sold by *Thomas Sawbridge*, at the three *Flower de Luces* in *Little-Britain*. MDCLXXXIV.

The Speech of Sir George Pudſey *Knight, at the time of his being ſworn* Recorder, &c.

GENTLEMEN,

FOrtune has at laſt gratified me in that earneſt Deſire I have always had to ſerve You; And tho' I deſpair of making due Acknowledgements, yet you may believe, that I am very ſenſible of the Favour you have done me, in ſo unanimouſly chuſing me to be your Servant; for ſuch a one your Recorder is: 'tis a place of Honour and of Truſt, and if I diſcharge it not as I ought, or at leaſt as I am able, I am the worſt of Men: I value my ſelf much upon it, but more upon your Friendſhip. Perhaps few Recorders for many ages have been ſo freely Elected. Therefore Gratitude as well as Oath obliges me to be faithful to you, Intereſt alſo, (a mighty Motive) prompts me to the ſame. I am your Neighbour as well as fellow Citizen. The little Fortune that I have lies near you; if *Oxford* flouriſh, *Elsfield* will not fare the worſe. Gentlemen, I hope you'l have a favourable opinion of him you have made yours. It's no inconſiderable diſadvantage to ſucceed a man of ſuch great abilities as your laſt Recorder was: a Perſon who liv'd long amongſt you, and knew the ſecrets of your Corporation; yet this I vow, I'le pray the aid of all the Inns of Court rather than you ſhall ſuffer; and indeed why ſhould you in any thing? Have you not opportunities enough to be happy? Does not the Great and Good Earl of *Abingdon* offer his aſſiſtance, ready at all times upon his knee to begg his Majeſties Favour in your behalf? When he appears, make room for *Oxford*, cries the Guards, the Town is Loyal grown; when at another time (if I may ſpeak it) A modeſt *Oxford* man dare hardly peep in Court. Why then don't we by his vaſt Intereſt let in the Beams of Majeſty upon us? Who can live without the Sun? Have we not a famous Univerſity for our Example? Let her great Loyalty (if it be poſſible) be outdone by us. Can we be poiſon'd at the Fountain head? Where is Learning, Piety, and Obedience practis'd, if not in this our Engliſh *Athens*? Who ſo ignorant that does not know how eminent this place has been for Loyalty? How proud it was when *Charles* the Firſt, that Glorious King, ſhut himſelf up within our walls? Did not our Citizens follow *Bellona*'s Call, to defend his Sacred Perſon from Rebels fury? Was not this the Seat of War? With what bravery and gallantry did this City aſſert its Monarch's Right? Surely the ſtock of Loyalty is not worn out. How many are there in this place now that liv'd in thoſe days, and play'd the Soldiers part, therefore I'le not think there's an ill man amongſt us, however it happens that for ſome miſcarriages of ours we ſtand not right in *Cæſars* favour. We promiſe largely, perform poorly, and that with grudging too. The Widow's mite, what was it? yet being all, and freely given, had the largeſt thanks. Gentlemen, let me adviſe you to redeem your ſelves again: His Majeſty, whom the Law ſtiles Head of the Kingdom, Father of the Country, Maſter of the whole Family of the Nation, Chief Juſtice of all *England*, and a kind of petty God on Earth, who for the excellency of his Perſon, by way of reſemblance, has Divine Attributes, as Immortality, for as King he never dies, Soveraignty, Majeſty, Power, Verity, Juſtice, and the like: He is merciful, of a God-like temper, as ready to forgive as we to ask: let us think nothing but good of him and his Government; for fears and jealouſies have been of fatal conſequence to this Nation, and ſtill are the greateſt enemies to the peace and tranquillity of it. Sometimes they cry Popery is a breaking in upon us, when God knows (as it is lately prov'd) the eight hundredth man is not Papiſt, unleſs all are ſuch that are not Diſſenters from the Church, for ſo indeed they call us. Did not his Majeſty for ſeveral years live in Popiſh ſoil, yet came over to us as well in Heart as Title, *Defender of the Faith.* His Royal Highneſs, Great *Britains Mars*, its Heir and Glory, has upon all occaſions expreſt himſelf highly in favour of our Church, has ſettled the Pro-

teſtant

teſtant Religion upon ſuch ſure foundations in *Scotland*, that it's not to be ſhaken. Are not his Daughters, (after him the preſent Heirs to the Imperial Crown,) Proteſtants, and married two ſuch Princes, on deſign purely for to ſecure our Religion, when *France* it ſelf courted that alliance for its Heir? Are not the Lords of the *Romiſh* Faith excluded the *Houſe* of Peers? The Laws ſtrictly put in execution againſt the *Papiſts*? Beſides, What alteration can there be in Church or State, without a National conſent? If theſe are ſigns of Popery then indeed we are in danger. What think ye Gentlemen? You are men of reaſon, live among the Muſes, where Learning is at the height; Though I muſt confeſs, if a Papiſt muſt not breath Common Air, or tread his Native Earth becauſe he is ſo, 'tis hard. Who does not think his own opinion beſt? Sometimes again, how doe the fears of Arbitrary Power, of loſs of Liberty and Property call Crowds together to conſult, who ſhake the Head, look down, cry we are loſt, ſad times are coming? When that's the only way to have them come; for if a People grow Rebel-ripe, why ſhould not we believe that Kings who ſit at ſtern, that pick and cull the Nation for the wiſeſt Heads, ſhould not endeavour to preſerve their Empire, and Dominion, as well as we quit ſhops and ſtalls and fly to Coffee-Houſes to examine every Letter, to ſee how things are like to go with us. Gentlemen, be not ſeduc'd by men of Seditious Spirits; The firſt ſin of Men and Angels was Rebellion, Heaven and Paradiſe were loſt by it, believe it is the Kings Intereſt, as well as Royal Inclination to preſerve us in our Rights and Liberties; For ta away Property, and Induſtry is quickly at an end: Where is the Crowns ſafety th The empty Travailer laughs at the Thief; who values his Countries defence that ha th thing in it which he can call his own? In ſome of the Eaſtern Parts, (the Garden of World by Nature) a man may ride ſome ſcores of Miles, and ſcarcely ſee a Hut; becau no man has any thing but at the Princes will; With us the Proſperity of the People is Monarchs joy: He always eſteems himſelf Rich, if they are ſo.

Gentlemen, I am not altogether a ſtranger to Hiſtory, can give a reaſonable account of moſt Countries, amongſt which *England* has not an equal. Let us ſee how matters ſtood with the Jews in Righteous *David*'s days? Thou and *Ziba* divide the Land was *David*'s judgment: againſt his Maſters Son before his offence was prov'd. A Semeter or a Bow-ſtring leaves breathleſs in a minute the greateſt Subject in three parts of the World, without a Judge and Jury. In our Neighbouring Countries, Racks and Wheels are thought gentle eaſie ways to find out truth. The *French* Kings Sword is his Subjects Charter, The *Spaniſh* Inquiſition this Worlds Hell. In *Holland* it ſelf, that fam'd Common-wealth, a Herring is Excis'd nine times before it's eat, yet in theſe places all huſh, and ſtill: No Plots to murder Kings, or Magiſtrates. Gentlemen, you muſt pardon me, if I tell ye, that many times the too great indulgence of a Prince brings ſpeedy ruine to a Nation. *Plutarch* in the life of *Lycurgus* gives us a Relation of one *Eurytion* a *Spartan* King, who took a courſe never practis'd by his wiſe Predeceſſors, which was to cajole his own Subjects by ſlacking the Reins of the Royal Authority; but ſee what follow'd, inſtead of gaining upon them, they grew ſo inſolent, that at laſt they brought the Government into contempt, and ſoon after the whole Kingdom into Anarchy and confuſion, and were never ſatisfied, till one of their beſt Princes was barbarouſly murder'd in the ſtreets by the Rabble, as he was appeaſing a Tumult; How near a Parallel is this to his late Majeſty, who I'le boldly ſay has done more, except the Preſent King, to endear the Subject then all the Kings from the *Norman* to this time beſides; but what come on't? That's a Melancholy conſideration. Mercy and Goodneſs in Princes are too often miſtaken, and call'd neceſſity and eaſineſs of Nature: An yielding King ſhall always find a craving Subject. We are like the *Iſraelites* never ſatisfi'd, deſire to return back into *Egypt* into our old Bondage. I have heard, that in the late Rebellion, a Captain and his Company has made *London*, that haughty Miſtreſs of our Iſle, whom we ſo much delight to imitate, all in tears, her Citizens Crouching like Spaniels at the frown of a Traytor, when at the ſame time they bid defiance to their King.

Are not we turn'd Mad-men, and the Devil fool, His invention is loſt. Muſt a Nation be deſtroy'd, 'twice in half an age by the very ſame methods; A Juglers tricks if ſhown more than once or twice becomes Childrens ſport. *Popery* was the Topick

amongſt

amongſt the Zealous e're ſince I remember, and is now the only Idol that ſupports the Brethrens cauſe : if the word were but forgotten they were Dumb, its the holding twig. Who would not have ſworn three years ſince that the Popes Bull was not broken in among us ? No Popery, no Papiſt, were the *Oxford* Cryes, when, on my conſcience, the promoters of the Noiſe are nearer that perſwaſion than my ſelf ; the man they aim'd at. Do they not ſay that Kings are the peoples Creatures, made by them, and when the Spirit moves, may be laid aſide again ? Our Church abhors ſuch Doctrine, lets hold to that. *Julian* that cunning arch Enemy of our Religion encourag'd all Opinions and Sects amongſt the Chriſtians, that tended to the rooting out of our Faith. For ſhame let's grow wiſer, we are in ſafety (if there be ſuch a thing on this ſide Heaven :) Let the moſt factious fellow of e'm all tell me whats not done to ſecure the Subject ? He is ſenc'd in on every ſide, the Star-Chamber, Court of Wards, High Commiſſion Court, and every thing which the people had the leaſt colour to call grievous, are willingly laid aſide. What a noiſe has quartering of Souldiers made ? How are the Law-Books fill'd with Caſes of impriſonments ? To eaſe us of theſe fears too, there's not a Souldier looks into a private houſe, or enters any Inn, but as a Traveller : the Landlord makes the Bill : what Offender is not bail'd out of Priſon in ſuch a time, if not proſecuted, though Treaſon threw him in ? if ſuch Acts of Grace as theſe will not make us grateful ſouls, or at leaſt keep us in quiet, nothing but a rod of iron will. I fear there be no peace till *Sheba*'s head is thrown over the wall. Gentlemen, I could ſpend a day upon this ſubject, and challenge all the world to ſhew me ſuch another Government ; therefore if theſe be ſigns of Arbitrary Power, of loſs of Liberty and Property, ſpeak, Gentlemen, be not ſilent. Good men will be convinc'd by reaſon, and adore their Maker for their happineſs ; Ill men muſt be watch'd by thoſe that are in Power. He that grumbles at this Government, with *Lucifer* would quarrel Heaven, therefore with him deſerves his puniſhment. But ſuppoſe the worſt, that our fears were true, that Religion and Allegiance did no ways oblige us, that his Majeſty had as many vices as he has vertues, would Rebellion mend the matter ? No, that a Nation's Ruin is ready to atteſt. Has not that happened to us and much more, which fooliſh *Rehoboam* threatened the ten Tribes with, that his little finger ſhould be heavier upon them than his Father's Loyns ; that if his Father whip'd them with rods, he would beat them with Scorpions ? Gentlemen, a civil War is like a Gaming-houſe, where none gets at laſt but the Box-keeper. Not long after his Majeſties return I was at ſuch a place at a time when a great Lord had loſt no little ſumm ; to chear his Heart, he calls for a glaſs of Wine, and drinks a health to him that had gain'd by play ; amongſt fifty Gentlemen there was not one would lay any title to it, at laſt in comes a little creeping fellow, and claims the health, proteſting that he had never brought into the houſe more than half a Crown at any one time, ſeldome ſo much, yet by his cunning and advantages had heap'd up many a hundred pound ; ſo in Civil War the Beggar mounts a horſe-back, and all above him goe a foot ; Coblers and Tinkers turn Lords, and Lords turn nothing. If Rebellion has ſucceſs, which to the diſcouragement of all Treaſon (it has had but once this ſix hundred years in *England*) to change it's Government, yet the leading Rebels very rarely dye in peace. If the Prince be victorious, which certainly he is, unleſs when the Almighty intends to call the Nation to a reckoning for her ſins, then the People are at mercy. Which of us would willingly call an Equal or an Inferiour, Lord ? Where were our *Engliſh* Liberty then ? Therefore ſince all cannot be Kings, let's be obedient to him that is the beſt of Kings, think Loyalty our greateſt intereſt as well as Duty. Gentlemen, conſider, we have watchful eyes over us : Eſteem not them good Citizens who adviſe us to wraſtle too much with Majeſty, for we ſhall have the fall. Why then all ſay with me, Long live the King, we'le grant him any thing that he will have, becauſe we are ſufficiently aſſur'd, he will ask nothing but what we may freely, and ſafely give.

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THE SPEECH OF Sir George Pudſey,

Serjeant at Law, Recorder of the City of *OXFORD*,

Spoken in the *GUILD-HALL* of the ſaid City,

At the Swearing the New Mayor.

SEPTEMBER 30. 1685.

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GENTLEMEN,

THAT England *is ſecond to no Nation for all things that can delight the Sons of men for a happy Government, for a Valiant, Loyal, and Religious People; all Authors, both Antient and Modern, do allow: It's our Glory that the firſt Chriſtian Emperour and King in the Univerſe, were Natives of this Iſland: The Goſpel flouriſht here in the very dawning of it, and ſo continued until the Tenth Perſecution under* Dioclesian, *for though it was the laſt, yet 'twas the firſt the* Britains *felt: afterwards it was reſtor'd by* Conſtantine *the Great, the aforeſaid Emperour; and did ſhine again here, until the* Saxon *Cruelty and Paganiſm had almoſt utterly extinguiſht it: It was afterwards reviv'd by* Auguſtine *the great Apoſtle of the Engliſh* Saxons, *in the year* 686.

That Providence has given us ſo choice an Inheritance, is no ordinary Mercy, though common to all its Inhabitants. Now if this Bleſſing is capable of any improvement, we Citizens of Oxford *enjoy it. You know in the Land of* Ham *there was a* Goſhen *for God's choſen People, in which they were ſafe, when all* Egypt *beſides felt the heavy Hand of Divine Vengeance for its Wickedneſs. This City has been the peculiar care of God, and his Servants our Soveraigns, for more than eight hundred years. It was the Learned and Warlike King* Alfred *that firſt made it the Seat of our Engliſh Rabbies; no doubt but he conſulted the Scituation, the Fertility of its Soil about it, the Pureneſs of its Air, and all things convenient for ſo glorious an undertaking: It's the Boaſt of our Country, and the Sight of it; the Brag of all Travellers. From* Alfred's *days to ours it has been the Fountain of all Learning, Piety, Loyalty, and Virtue; ſo that it's hard to believe that our Citizens can be otherwiſe than Good men. Ten Righteous Perſons had ſav'd* Sodom; *Can a Soul then be loſt here, that have ſo many eminent Divines to Inſtruct and Pray for us? That our Kings have always held this Place in great Eſteem, I ſhall make you ſenſible of: 'Twas the Royal Seat of ſome of the* Saxon *Kings.* Maud *the Empreſs, the Daughter and Heir of* Henry *the Firſt, found ſafety here againſt the Uſurper* Stephen. *King* John *and* Henry *the Third held Parliaments in this place to curb their head-ſtrong and unruly Barons. Many other Kings have call'd their Great Councils hither, to ſtem the Tyde of Faction and Rebellion.* Charles *the Martyr, and* Charles *the Merciful are full to our purpoſe.* Charles *the Firſt, from this place had opportunity to retire from a Prevailing Trayterous Engliſh Army, though indeed he unfortunately met with as bad, or worſe, of* Scots. Charles *the Second, here received Advice from Heaven to put an end to the worſt Councils of the worſt Parliaments that ever* England *had; I ſay again, the Worſt, and will not yield the point, though that of Forty One be offered to me: the Reaſon's manifeſt, becauſe that Parliament did not fall to the extremity of Miſchief, till it was firſt modell'd and forced by*

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the Army their then Masters; so that it was but the Rump of that Parliament which acted that Horrid Villany upon the Sacred Person of the Royal Martyr, which was never out-done, but by the Jews. The Oxford *Parliament, by inclination, were for breaking through all Bounds and Methods of Government and Succession: they aim'd at Impossibilities, by vainly attempting to divide the United Hearts of the two Royal Brothers; the one must not succeed the other in his Dominions, because the Enemies to both would succeed in their Treasons. Thus far I go, because* Oxford *was the Scene of this Mighty Change, when both Church and State lay under great Convulsions. We had a sudden and speedy Deliverance; our Fears are vanisht, no Evil can come to us, if we act none. It has been observ'd, that in times of greatest Difficulty, brave Spirits (as great Princes have great Ministers) have been always rais'd to ease the Royal Head: Who they are, at present to name them, is to lessen them, their Actions being so conspicuous; for which they now enjoy the highest Places under the Wisest of Princes.*

I am sure here dwells all Loyalty: Methinks I see into your Hearts, and there find that you wou'd more willingly have fought for JAMES *the Just, against the Western Rebels, than they did for* James *the Traytor. If it shall be objected, That we have at any time made a stand in our Duty; I answer, The best Man sins, and that often too: Ours was but a little too eager a Zeal for our Priviledges: We saw our Errour, and soon implor'd Mercy, and as soon had it: So that he's a Stranger to us, that doubts our Loyalty; this City has been always eminent for it: It was for that chiefly we can number so many Charters: There's hardly a Monarch since the Conquest, but we can produce his Seal to some new Grant or Confirmation. I could wish that we had no occasion to remember, that 'twas not long ago that we were like to have lost all: His late Majesties* Quo Warranto *wou'd have made Whole-sale-work, had it proceeded; it had left us a Town, without either City, or Corporation: But a Gracious Prince, a Powerful Advocate for us with him, the Earl of* Abbington, *(to whom you can never make sufficient Acknowledgment) and a Loyal prudent Magistrate, preserv'd us; otherwise we had met with the Fate of* London, *who has its Magistrates now, but at pleasure. It's a great* Vill, *and that's all, when* Cæsar *says the Word. What cou'd we hope for, when she fell, that was so supported by Parliaments and Charters? You must know her great Sin was Caballing against the Government; which is altogether Antipodes to the Institution of Corporations: Shops were made for Trade and Commerce, and not for stating the Question about Politicks, and the* Arcana *of Government; they are matters above our Consideration. Our Post is Obedience, and Submission to the Soveraign Power. The Minister need not instruct the Farmer what Grain to sow for his Tythe-sake. Wou'd not one of you Ridicule me for pretending to direct you in the Cunning of your Trade? Every thing does best in's own Element: Had* London *considered that, she had not lost those Immunities which she has enjoyed many Ages. It's vain to think his Majesty will suffer so many Petty Commonwealths within his Kingdoms, as Corporations seem to be; when they,* Uzza-*like, profanely (though to a contrary end) hold forth the hand to touch the Ark. There is an implied Condition in all Corporations, That so long as they keep within their Obedience to Majesty, they are safe; but if once they Rival Kings in their Royal Concerns, Adieu to all Priviledges and Franchises. It cannot be denied, but that Corporations have been once fatal to the Kingdom. What Armies did* London *send out against her Soveraign, in the Never-to-be-forgotten Rebellion! Most Corporations did their parts. But* Oxford *indeed was all White, all Innocent; nay, let me do it more right, 'twas a Retreat for Injur'd Majesty; it stood not a Looker on, but heartily and loyally Espous'd the Royal Interest.*

I know it's expected that I shou'd say something of the Government of this City for two years last past under the Loyal Sir William Walker, *your Mayor. I am very glad, for his sake, that his Merits are so eminent; otherwise he wou'd suffer much by the Character I were able to give him. His being formerly in that Office, and your Choice of him again, is a sufficient demonstration of his great Integrity and Abilities in that Station. His late Majesty (who, like* Solomon, *knew from the Cedar to the Shrub) commended your Choice so well, that he made you happy in him a third time. And his present Majesty (the Joy of all good men, and Terrour of ill) for his unshaken Fidelity to the Crown, gave him a Mark of Honour.*

At his first coming into the Office the second time, your Condition was very crazy, and wanted such a Magistrate: he has preserv'd your Priviledges, and sav'd your Treasure. Such another you have now wisely chosen: Therefore what can hinder, but this must be a flourishing year to us? He has your Hearts, and he, in few words, has told you his; which, is first to serve the Crown, and next the City. To make this Harmony compleat, your Concurrence with him in Loyalty and Duty to the Government, under our most August Soveraign, and your Obedience to him, as your Mayor, will render this a great City, and make us belov'd both of God and the King.

LICENSED, *Octob.* 13. 1685. Rog. L'Estrange.

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~~156~~
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THE SPEECH OF Sir George Pudſey Kt.

(Serjeant at Law, and Recorder of *Oxon*)

TO THE

KING,

UPON

His MAJESTY's Coming to *OXFORD*,

Sept. 3. 1687.

OXON:

Printed by HENRY CRUTTENDEN, One of His MAJESTY's Printers, and Printer to His ARMY.

MDCLXXXVII.

Sir *George Pudſey*'s Speech to the KING.

Dread Sovereign,

SO vaſt an Awe and Deference is due to the Majeſty of a Crowned Head, that the moſt polite Wit ought to have a great preſence of mind, that ſpeaks before Him; therefore one ſo unworthy of this Honour as my ſelf, humbly implores Your Majeſties patience, and pardon for his failings.

Great SIR, No ſooner Your Majeſty aſcended the Throne of Your Royal Anceſtors, but You were proclaimed a Favourite of Heaven, the Wicked were taken in their own Nets, mighty Rebels fell before You, and Your Loyal Subjects rejoiced in Peace: Anſwerable to theſe glorious beginnings hath been Your Majeſties Character to this moment. Thus Virtuous Princes bleſs their people; *Hezekiah's* Holineſs ſaved his Kingdom, when *David*'s Sin coſt him 70000 Men. The great *Cyrus* was promiſed by Name, long before his Birth, to give eaſe and deliverance to the poor Captive Jews; and my Information fails me, if Your Majeſty was not mentioned more than One Hundred Years ago, by one of Your Royal Predeceſſors, to be given us (moſt unworthy of You) to raiſe theſe Nations once again to Glory; For You, *Great Sir*, even againſt our Wills will make us Happy: Your Royal Breaſt having treaſured up ſuch a Magazine of all Princely Virtues, that were Your Kingdoms Elective, the Suffrages and Votes of all men of Honor, Senſe and Goodneſs, would be given You, with humble Supplications to accept the Royal Diadem. What are not our very Wiſhes indulged in, under Your moſt auſpicious Reign? All Fears, but ſuch as attend Women and Children, are removed: Property and Liberty, thoſe darling Concerns, are ſo far from being invaded by You, that common Aids and Supplies to the King are almoſt forgot by us. Have not we of the Church of *England* your Sacred Word (which never failed any yet that relyed on it) to protect her in her Rites and Priviledges? As for thoſe of Your Majeſties Communion, Truth will defend me, If I ſay, their Sufferings and Loyalties have been great and eminent, and of late, the firſt highly injur'd by the Oaths of perjured Villains (too much incouraged); They have your Favour, and deſerve a publick Reparation. As Your Majeſty is, ſo is Your Mercy, for are not other Diſſenters too as well as them (contrary to the meaſures of another Prince) by Your unparallel'd Clemency freed from the Snares of Penal Laws relating to Religion, made purely for the Prince's Safety, and concerns no one elſe. This high flight of Royal Grace, ſo like your Great Maſter's Example, after ſo much Diſloyalty to the Crown, is ſuch a wonder to the preſent Age, that future times will

will call Romantick. Therefore what Subject, either concerned, or as a Chriſtian (whoſe chiefeſt virtue is Charity) will not give his humble Thanks?

Thus far Your Majeſty hath gone by Your undoubted Prerogative; and indeed what is not the Prerogative of an Abſolute Monarch, let the Learned determine. Many of them ſay, His Condeſcention to Laws is rather a politick Mercy, than any Obligation: But to avoid too nice an Inquiry, common Reaſon, and the Kingdoms Intereſt, obliges me to believe the concurrence of a Parliament to ſo National a Good; And that were it moved by them, and the Royal Aſſent denyed, the Writ *de Heretico Comburendo* would be feared again. Theſe Scars in Government once perfectly healed, no more Families will be ruined, Priſons filled, or Pockets emptied for Conſciences ſake (the Almighty's Province only.) Then will every Subject according to Nature's Laws, which no human act can reſtrain, by the moſt ignorant be allowed capable to ſerve Your Majeſty according to his merit. Then all hands will be at work like Bees carrying to the common Hive; Trade, the life of every Iſland, flouriſh, Your Majeſties Treaſure and Your Subjects Talents increaſe, whilſt You, *Great Sir*, the common Parent of your Country, watches for us all. We ſhall then contract the ſullen Brows of other Nations, who will hate the Lands of their Nativities. Your Majeſty, the Great Monopoliſt of Wiſdom and Experience, knows what meaſures beſt to take to attain theſe mighty Ends: Your Power is like Your Courage, both invincible; A Princes beſt Security. For *Sir*, as Love and Fear ſends Souls to Heaven, ſo both together make Monarchs Safe, and Subjects Loyal. Now all Welcome to *Cæſar* to his ever Loyal City; and all Joy to us, who moſt humbly and chearfully offer up our Hearts and Acclamations to Your Majeſty, for this undeſerved Honour, in eſteeming us worthy of Your Royal Preſence. Our Addreſſes too for Your Gracious Promiſes and Favours lately made, and ſhewed to all Your Subjects, would no doubt have rendred us more grateful: But Your Majeſty, that is not to learn the Conſtitution of the meaneſt Borough within your Empire, underſtands what influences this Place. Forgive, *Dread Sir*, this Stop and loſs of time to Your Sacred Majeſty. I am ſilent when I have ſaid, All Greatneſs attend the KING, and long live *JAMES* the Second.

FINIS.

The Briſtol Addreſs.

To the Right Worſhipful

Sir RICHARD HART, Kt. and THOMAS EARLE, Eſq;

NOW CHOSEN

Repreſentatives in Parliament

For this City of

BRISTOL.

WE Citizens and Freeholders of this City, hold our ſelves obliged to return you our hearty thanks for your exemplary Loyalty to the King, and preſent eſtabliſhment in Church and State, notwithſtanding all the Deſigns, here or elſewhere, to vilifie or ſubvert them under the ſpecious pretences of *Arbitrary Power* and *Popery*, hoping you will act with all expreſſions of Duty and Allegiance to the King, of whoſe good affections to his people and the eſtabliſhed Religion, we have no doubt, though ill men have indeavoured to ſuggeſt other opinions to his Subjects. And, as you are our Repreſentatives, we lay before you theſe ſeverals.

I. That ſome expedient by Law may be endeavoured to puniſh ſuch as ſhall inſinuate into the people any deſigns in our King or Government to ſet up Arbitrary Power, or ſhall calumniate the profeſſed Sons of the Church of *England* (His Majeſties moſt Dutiful and Loyal Subjects) as Papiſts, and men of Arbitrary Principles.

II. That no Laws be Repealed whereby the Church or State may be leſs ſecured againſt their Enemies, but ſuch new Laws may be added to thoſe now in force that may effectually defend them from the Horrid and Helliſh Plots of the Papiſts, and from a ſecond Ruin and Deſolation by the underhand-contrivances, and reſtleſs endeavours, of ambitious and Fanatical Parties.

Thirdly,

III. That you preſerve the Prerogatives of the Crown, and the Propety of the People: That the King and His Succeſſors may be aſſured of our Duty and Allegiance, and we receive from them Mercy and Juſtice: Then will God bleſs us whilſt we ſerve him and his Anointed, *and Righteouſneſs and Peace ſhall kiſs each other.*

IV. That you endeavour to preſerve us from illegal Impriſonments and exactions of Fees by our Fellow-Subjects, leſt we be enſlaved under Arbitrary Power (as in the late Rebellion) contrary to *Magna Charta*, and other good Laws; but if any ſhall offend let them be puniſhed in ſuch ſort as the Law directs.

V. That the King be ſupplied with money to ſecure us from the power of *France* at Land and Sea, that what Alliances the King hath or ſhall make for defence of *Europe*, and the Proteſtant Religion, may be performed; and our Merchants encouraged to ſend forth thoſe large Adventures they are inclined unto, if they could be ſecured by good Fleets in the four Seas and remoter parts: They being at preſent greatly apprehenſive that the *French* may poſſeſs their Eſtates at pleaſure at Sea, as he doth thoſe of the Subjects to the Empire on Land, from whence cometh a Diminution of Trade in the Kingdom.

In endeavouring theſe particulars you will truly repreſent Us.

Briſtol, this 17th. *March* 1680. *Subſcribed by moſt of the Aldermen, Council, and ſeveral Hundreds of His Majeſties Loyal Subjects of the ſame City.*

LONDON:

Printed for *Henry Brome.* 1681.

K 254

REASONS for chuſing Sir *Robert Atkins* and Sir *John Knight*, Parliament-Men for the City of *Briſtol*.

816. m. 16. 22 24

THAT Sir *Robert Atkins* and Sir *John Knight* have had great experience in Parliamentary Affairs, and thereby are much more fit to ſerve this City in that capacity, than Sir *Richard Hart* and Mr. *Earle* who were never there.

That the King's Life, as well as the Nation, is very much in danger by a Popiſh Plot, of which is Majeſty his very ſenſible in his laſt Speech; and by his Writ does direct his Subjects to chuſe the wiſeſt and moſt Judicious Men to adviſe with in Parliament what to be done.

That with the Parliament we truſt our Lives, Liberties, Eſtates, and Religion, and whatſoever is near and dear unto us, in their hands; ſo that 'tis againſt all Reaſon to put out Men, of whoſe Loyalty, Wiſdom and Integrity we have had large experience, and to venture our All with thoſe who were never tried.

That the Cities of *London* and *Weſtminſter*, and Borough of *Southwark*, and almoſt all the places in the Kingdom, have elected their old and knowing Members, thanking them for the pains they have taken: And ſhall *Briſtol* be ſaid to be unkind to Sir *John Knight* their honeſt old Member, and Sir *Robert Atkins* their worthy Recorder?

That Sir *John Knight* is a very knowing Merchant, and Sir *Robert Atkins* a great Lawyer; and can do much more Service for this City, in getting an Act for Merchandizing to the *Eaſt-Indies* and *Turkie*, by their Intereſt and knowledg in the Parliament-Houſe, than either Sir *Richard Hart*, or Mr. *Earle*, who have no ſuch Intereſt with the Lords and Commons as they have.

That every Inhabitant of this City may eaſily ſee the difference betwixt Sir *Robert Atkins* and Sir *John Knight* on the one ſide, and Sir *Richard Hart* and Mr. *Earl* on the other, by the great numbers lately admitted to the Freedom of this City, of which every Lover of the City is deſired to take notice, That Sir *Robert Atkins* and Sir *John Knight* have not made one free on their account, nor would have any of their Friends ſo do; as highly valuing the Priviledg and Freedom of this great City: and would rather not be Parliament-men than do the City ſo much wrong, as to make any perſon free that has no right.

That ſeveral hundreds have been lately made free, and they no way concerned in it, to the very great detriment of moſt of the Freemen of this City, who will more and more find it prove prejudicial to all the *Carpenters*, *Coopers*, *Taylors*, *Shoomakers*, *Smiths*, *Joyners*, and other Tradeſmen, Journymen and Apprentices.

That by theſe hundreds of Freedoms you may eaſily perceive what Pride and Ambition will do; and if, to be Parliament-men, your Freedoms ſhall at firſt be ſo poorly valued; what may ſuch Men do in Parliament for more Honour? Remember that they alſo may give away your ALL.

That the Mayor and ſome others have ordered the Town-Clerk and Chamberlain, that Sir *Robert Atkins* and Sir *John Knight* ſhall have no Copy of the many hundreds that are lately made free, tho they are Juſtices of the Peace, and have power to know. By which every one may perceive their deſign; as alſo that ſeveral hundreds of Copies are kept by ſome in this City, when-as the perſons they belong to ought to have the keeping thereof themſelves; of which an accompt will be taken when time ſhall ſerve.

That Sir *Robert Atkins* and Sir *John Knight* were always known to be of the Church of *England*; and as loyal to their King as Sir *Richard Hart* or Mr. *Earl* can poſſibly pretend to; tho ſome unworthy perſons (who dare not tell them ſo to their faces) aſperſe them otherwiſe.

That in ſo great a Concern you are not to chuſe for favour nor affection, but ſuch Men that can beſt ſerve the Nation in general, which we ought to prefer above private Eſteem or Friendſhip: Otherwiſe, ſhould any ill come by chuſing new Men, and putting by good old ones, we may fear the fate of *Rehoboam*, who by adviſing with New Counſellors, and refuſing the Advice of the old ones, the Kingdom was rent aſſunder: which God grant may never be this Nation's nor this Citie's Caſe. *Amen.*

The CASE *of the* Work-houſe *and* Hoſpital *of the City of* Briſtol, *Erected for the better Employing and Maintaining the Poor thereof; now depending in the Honourable Houſe of* Commons.

23

BEFORE the Statute made in the Seventh and Eighth Years of *William* and *Mary*, the Poor of the ſaid City was managed by the Church-Warden of every particular Pariſh, and then very little or no Care was taken of them, and conſequently were neceſſitated to beg about the Streets, like unto the Poor of the City of *London*, to the great Annoyance of the Inhabitants of the ſaid City of *Briſtol* and Places adjacent.

To remedy which Evil, the City of *Briſtol* obtained the ſaid Statute of Seventh and Eighth of *William* and *Mary*, by Vertue whereof the ſaid Work-houſe and Hoſpital were Erected, in order to Employ ſuch of the Poor as were able to work and provide for others of them that were incapable to help themſelves, either thro' Old Age, or other Infirmities; by which ſaid Statute no Guardian, or other Officer Elected for managing the ſaid Poor, was obliged to qualify himſelf by taking the Sacrament; neither is any Church-Warden, Overſeer, or Veſtry-Man, obliged ſo to qualify himſelf by any Law now in force.

In another Statute made in the Tenth Year of King *William* the Third, for Erecting Hoſpitals and Work-Houſes within the Town of *Tiverton*, in the County of *Devon*, for the better Employing and Maintaining the Poor thereof, a Clauſe was inſerted for a further Proviſion for the Poor of the ſaid City of *Briſtol*, but no Notice was there taken of the Sacrament, or that any Guardian, or Officer of the Poor within the ſaid City of *Briſtol*, ſhould qualify himſelf for ſuch Office by taking the ſame.

In the Twelfth Year of the late Queen an Additional Sum was granted by Parliament for the better Employing and Maintaining the Poor of the ſaid City of *Briſtol*, by reaſon the late War had filled the ſaid City with Multitudes of Widows and Orphans (their Husbands and Fathers being utterly ruin'd thereby) Yet the Bill brought into Parliament for that Purpoſe was very ſtrenuouſly oppos'd (by a few ill diſpos'd Perſons) in both Houſes; But the Wiſdom of the then Parliament plainly ſaw the great Neceſſity there was for granting ſuch Additional Sum, and gave it accordingly: And the Enemies to the ſaid Bill then perceiving their Deſigns fruſtrated, were for rendring the ſame in a manner ineffectual, by inſerting a Clauſe, That no Perſon ſhould be Elected a Guardian or Officer of the Poor, who ſhould not have taken the Sacrament according to the Rites of the Church of *England*, which Innovation was never dream'd of before, and thereby the whole Burthen of managing the ſaid Hoſpital and Work-houſe fell upon the Church-Men only, and the *Diſſenters*, who have been equal Benefactors to, and alſo equally ſerviceable in managing the ſaid Work-Houſe and Hoſpital, and who alſo have (from time to time) provided for their own Poor, are diſqualified from bearing any Office or Employment therein.

Note, The Church Party do now perceive their Miſtake by incumbering themſelves with Offices unattended with Profit, Honour, or Intereſt, and by hindering the *Diſſenters* from bearing any ſhare thereof, which they always did, until the making the Statute in the ſaid Twelfth Year of the late Queen.

Note,

Note alſo, The End of the Bill now depending in the Honourable Houſe of *Commons* is to enforce Perſons to bear ſuch Offices in the management of the Poor into which they ſhall be duly Elected, and in ſome Meaſure to eaſe Church-Men in the Management of the Poor, by letting in *Diſſenters* to bear a Share with them, and not to prevent Perſons from doing Good and Charitable Deeds, or to deſtroy the Sacramental Teſt, the latter of which is falſly inſinuated without Doors.

Note, There are Eighty and Eight Perſons in Number who bear Offices or Employments in the Management of the ſaid Poor, and who are annually Elected into ſuch Offices, by means whereof (as the Law now ſtands) it happens, That within the Space of a very few Years the ſame Perſon is elected ſeveral times into ſome Office or other, and thereby becomes wearied with acting in ſuch manner, and for ſuch Good and Pious Ends, as the Duty of ſuch Office may require.

And for the above Reaſons (with many more that might be urged) 'tis hoped that the ſaid Quallifying Clauſe, inſerted in the Statute Twelfth of the late Queen, may be repeal'd, without giving the leaſt Offence to any.

The CASE of the WORK-HOUSE AND HOSPITAL For the Poor of the City of *Briſtol*; now depending in the Honourable Houſe of *COMMONS.*

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26

Bristol
24

The Oath of a Burgess.

Civitas Bristol.

YOU shall be good and true unto our Soveraign Lord King Charles, and to the Heirs and Successors of the said King, and to the Lieutenant, Master Maior of this City of Bristol; and to the Ministers of the same, in all Causes reasonable, you shall be obedient and assistant.

You shall keep the Franchises and Customes of this City; and also, the Kings Peace here you shall endeavour your self to keep and maintain.

You shall be contributory to all manner of Summons; as Watches, Taxes, Lots, Scots, and other charges within this City, to your power.

You shall know none unlawful Assemblies, Riots or Routs, purposed to be made against the Kings Laws or Peace, but you shall withstand them to your power, or warn Master Maior for the time being thereof, or some of the head-Officers of this City, as speedily as you can.

You shall not colour the goods of any Forreigner or stranger, nor know any Forreigner or Stranger to buy and sell with another Forreigner, within the Precincts of this City, but you shall give knowledge thereof unto the Chamberlain or his Deputy without delay.

You shall not implead or sue any Burgess of this City in any Court out of this City, for any matter whereof you may have sufficient remedy within this City.

You shall not take any Apprentice that is bond of blood, and none other except he be born under the Kings obeysance, and for no less term than seven years; and that he be bound by Indentures to be made by the Town-Clerk of this City for the time being, or by his Clerk: and at the end of his term, if he hath truly served you all his term, you shall then, if he require you to it, present him to Master Maior, or to the Chamberlain, to be made a Burgess.

You shall not take or wear the Livery or cloathing of any Lord, Gentleman, or other person, but only your own, or your crafts, or of Master Maior, or of the Lord high Steward of this City, or of the Sheriffs of the same, so long as you shall be dwelling within this City.

You shall make no Oath or promise by way of confederacy, contrary unto the Kings Laws.

So help you God, by the holy Contents of this Book.

John Cary Lining draper is admitted into the Liberties of this Citty for that hee was the Apprentice of mr Walter Stephens, and was made free this first day of June 1672 haueing taken the Oath of Allegiance John Hicks Esqr mayor, mr Richard Stubbs & mr Thomas Earle Sheriffs wittnesse my hand & Seale of Office.

Jno John Thruston
Chamberlaine

ab 1670?

816. m. 16.
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~~222~~
25

City and County of *BRISTOL.*

OBSERVING the many Good and Wholſome Laws made and provided for the curbing and reſtraining Licentious and Evil-diſpoſed People from committing thoſe heinous and crying ſins of Blaſphemy, Swearing, Curſing, Drunkenneſs and Prophanation of the Lords Day; and being deſirous to diſcharge my Duty (as a Magiſtrate) according to my Oath, in inforcing the Execution of the ſaid Laws againſt ſuch Offenders, which cannot be ſo effectually done, unleſs Information thereof be firſt given to the Magiſtrate.

Theſe are therefore to charge and require all Conſtables, Church-wardens, and Overſeers of the Poor, as alſo to deſire all other Inhabitants within the ſaid City, to give Information either to My Self, or ſome other Magiſtrate of the ſaid City, when and as often as they ſhall diſcover any the Offences aforeſaid to be committed, that ſo thereby the Offenders may receive condign Puniſhment according to the ſaid Laws, and others be thereby deterred from offending in like caſes for the future.

JOHN KNIGHT, Mayor.

To the Right Worſhipful Samuel Wallis, *Eſq;* Mayor, *and the Right Worſhipfuls, and Worſhipful the* Aldermen, *His* Majeſty's Juſtices of the Peace; *for the* County *and* City *of* Briſtol.

26

The Humble Preſentment *of the* Grand Inqueſt.

Civitas Briſtol. WHEN We the *Grand Inqueſt* were Call'd and Sworn to this Service, we engag'd therein with the more Chearfulneſs and Satisfaction, from the great Encouragements We have therein receiv'd, from the Obſervation We have taken of the Zealous and Prudent Adminiſtration of the Government of this *CITY*, by the Care and Faithfulneſs of Mr. *Mayor*, and thoſe of the *Aldermen*, that aſſiſted him, at a time, when ſo Great and Amazing Dangers, both at Home, and from Abroad, threatned the Peace, and Safety, not only of this *City*, but *His Sacred Majeſty's Royal Perſon*, and all His *Kingdoms* and *Dominions*; and therefore we cannot but take this Opportunity, in Behalf of Our Selves, and the Body of this *City* and *County* for which We ſerve, to Declare as follows:

We do Heartily and Sincerely thank Mr. *Mayor*, and the *Aldermen*, for Their Care, in putting in Execution a late Law, entituled, *An Act for the more Effectual Suppreſing Prophane Curſing and Swearing*, and for Their Zeal in the Obſervation of the *Lord's Day*; alſo, for Their Endeavours, that the late *Days of Humiliation* (which by the *King's* and *Lords Juſtices Proclamation* requir'd all Perſons Religiouſly to obſerve) was to Our Great Satisfaction better perform'd than formerly has been done.

We thank Mr *Mayor* for his ſteady Loyalty to his *Majeſty's Government*, in the late Imminent Time of Danger, and for his prudent Temper towards ſome of our Fellow-Subjects and Neighbours, who in ſome Points had Scruples on them concerning the *Government*, which we do hope (by the Providence of *GOD*, and Your Endeavours) are led to ſee their Miſtakes; which Examples We hope all good Men will follow, that ſo Unity and Love may Encreaſe, and Continue amongſt all Chriſtians, and therein we may expect God's Bleſſings on us.

We thank the *Deputy-Lieutenants*, and *Militia Officers*, who in their ſeveral Places did ſo Zealouſly appear at the Breaking out of the late *Horrid* and *Deteſtable Plot*, for the Aſſaſſinating of His *Majeſty's Sacred Perſon*, and for the Bringing a *French Power* into this Nation, the preventing of which We chiefly Aſcribe to the kind Providence of *GOD* towards us, yet We believe it Lawful to give *Officers* Their due Praiſe, when they Faithfully Act in Their ſeveral Places They are ſworn in; and We do hope it a Preſage of Future Good, ſince all His *Majeſty's Officers* in this *City*, did at the beginning of this *Seſſions* ſo Unanimouſly take the *Oaths*, and Subſcribe the *Aſſociation*; and We do hope it to be Real, becauſe no Higher Aſſurances can be given amongſt Men, than the Receiving the *Bleſſed Sacrament*, taking Oaths, and Subſcribing the *Aſſociation*, which They have done.

We thank Mr. *Mayor*, and the reſt of the *Juſtices*, and others, who had a Hand at firſt in getting an *Act of Parliament* for Employing the *Poor* of this *City*, in ſome Honeſt Labour, to get their Living, and thereby will prevent many Evils, and will, We hope, in time, be Satisfactory to all good Men.

We here take Occaſion to expreſs Our Thanks to, and Our Full Satisfaction in, Our Repreſentatives in Their Ready Concurrences with Your Worſhips, in this, or any other Service for this *City*.

And We believe nothing can conduce more to the Glory of *GOD*, the Preſervation of the *Proteſtant Religion*, as now Eſtabliſh'd by *Law*; the Safety of His *Majeſty's Government* in this *City*, than the chuſing of ſuch Religious and Loyal Men, as Mr. *Mayor* has ſhew'd himſelf to be.

David Phillips,	*Henry Spring,*	*Tho. Harris,*	*Sam. Greenway,*	*Tho. Johnſon,*
Joſias Larkin,	*Will. Barnsdale,*	*Tho. Martin,*	*Uzziel Chancy,*	*Will. Bryan,*
John Lucas,	*Rich. Browning,*	*John Gibbs,*	*Francis Cadugan.*	*Dan. Bradly.*

BRISTOL: Printed by *Will. Bonny*, in *Tower-Lane*, 1696.

Reasons humbly offered to the Consideration of Parliament, against the passing of a Bill, Intituled, *An Act for the better Preservation of the Wood in* DEANE-*Forrest, so far as it relates to the Inclosure of the Mooriſh Land, called* Wall-moore.

27

I. BEcauſe many of the Free-holders within the Perambulation of the ſaid Forreſt, whoſe Habitations are adjoyning to *Wallmoore*, and whoſe right of Common there is undeniable; as alſo many other Perſons who time out of mind have enjoyed Common of Herbage there, will be greatly prejudiced, and many of them who now live well, if *Wallmoore* be Incloſed muſt inevitably be ruined, and neceſſarily fall upon the Pariſhes adjacent for maintenance; which will be an inſuperable burthen to the Hundred of St. *Brevill's*, in which there are above Forty Families (that borders upon *Wallmoore*, and have no other Common within four miles of them,) that will be great ſufferers if the Incloſure deſired ſhould be permitted.

II. The Incloſing of the ſaid Lawn is contrary to the main ſcope and intent of the late Act of Parliament, Intituled, *An Act for the Increaſe and Preſervation of Timber within the Forreſt of* Deane, *and for the Incloſing of* 11000 *Acres thereof*, which expreſſes that ſuch ground ſhall be Incloſed as is moſt apt and meet to produce Wood and Timber for the future benefit of the Kingdom, and may be beſt ſpared from the uſe of the Commoners. For, firſt, This Act declares this Lawn altogether unfit for the producing of Wood or Timber. And ſecondly, This *Wallmoor* cannot be ſpared from the uſe of the Commoners, without the greateſt miſchief to them imaginable, ſending them above five miles for Common, who have it now lying at their doors, and taking from them more in value by Incloſing this 250 Acres than the taking away of 1000 Acres in any other part of the Forreſt (more proper to anſwer the deſign of the former Act) will do. Beſides, there are the Free-holders and Tenants of the Manour of *Rodleigh*, who have undoubted right of Common in all parts of the ſaid Forreſt. And although *Prima facie* the Incloſure of *Wallmoore* ſeems only to concern a few borderers thereon, yet duly conſider'd it will appear prejudicial to the whole Forreſt for above 1000 head of Cattel, as Horſes, Oxen, Cows, *&c.* now kept upon that Moor, will be thrown upon the Forreſt if *Wallmoor* be Incloſed.

III. It is conceived altogether unneceſſary to encloſe the ſaid Lawn for the uſes in the Bill mentioned: For that the Act for Incloſing the 11000 Acres hath in expreſs words made Proviſion for defraying the Charge of making and maintaining the ſaid Incloſures, And the Proviſion thereby made is ſufficient for ever (if duly ordered) to raiſe 150 *l. per Ann.* for the uſes in this Bill mentioned. There being vaſt quantities of old decay'd Wood and Timber (no way fit for Shipping), that prudently managed and carefully cut by degrees every year, will eaſily raiſe the money deſired by this Bill without doing any prejudice.

IIII. There is ſome Reaſon to ſuſpect a deſign of ſome Perſons to make a private advantage of this Incloſure deſired. For that this Lawn (when Incloſed) will be worth at leaſt double the Rent of 150 *l. per Ann.* Intended to be reſerved; beſides, will raiſe money to Anſwer all the Charge of the Incloſure. And it would be very hard to take from the Country 400 *l. per Ann.* to Anſwer the Charge only of 150 *l. Per Ann.*

Upon the whole matter, It will be ſomewhat ſevere upon the Country if after 11000 Acres of their Common is encloſed by their Conſent for a National good; the ſame Parliament (that took Care ſuch Incloſure ſhould be with leaſt prejudice to their Common) ſhould now by a ſubſequent Act without their Conſent take away the beſt of their Common: eſpecially,

I. Becauſe the ſame is not fit for Timber which was the end of encloſing the ſaid 11000 Acres.

II. Becauſe it is ſuppoſed the full 11000 Acres is already encloſed, were the encloſure meaſured by the Pole meaſure.

III. For that there is a way already provided for Anſwering the Charge of Maintaining the Incloſures.

IIII. If there were not ſuch proviſion yet is there no neceſſity of Incloſing *Wallmoore*; for there are other Lawns within the Incloſures made (to wit) in *Kannop*, *Wttewood* and other places, on which no Timber will ever grow, which if ſeparated would raiſe the 150 *l. Per Ann.* deſired, without prejudice to any mens right of Common or the Kings Incloſures.

MY LORDS,

Your Lordſhips on the Fourth of March *laſt, were pleaſed to make this Order.*

LORDS Committee appointed to conſider of two Bills, Intituled; *An Act for the better Settlement and Imployment of the Real and Perſonal Eſtate of* Henry Smith *Eſq; Deceaſed, for Charitable Uſes*: The other, Intituled, *An Act for Settling certain charitable Uſes for the Benefit of the Town of* Kirkſhall *in* Suffolk; Whoſe Lordſhips have heard ſuch Perſons as are concerned in them reſpepectively: And ſuch other Perſons as they ſhall think fit, were afterwards to make Report of them reſpectively into the Houſe.

Lord Privy Seal Earl *of* Anglicey.

Earl of
- Huntington.
- Bedford.
- Bridgewater.
- Northampton.
- Manchester.
- Rivers.
- Peterborough.
- Clarendon.
- Eſſex.
- Cardigan.
- Craven.
- Alisbury.
- Burlington.

Viſcount
- Conway.
- Stafford.
- Halliſax.

Lord Arch Biſhop of York.

Lord Biſhop of
- London.
- Sarum.
- Peterborough.
- Rocheſter.
- Briſtol.
- Gloceſter.
- Bath & Wells
- Chicheſter.
- Landaffe.
- Lincoln.
- Oxford.
- Exeter.

Lord
- Ferrers.
- Pagett.
- North.
- Chaudois.
- Hundidon.
- Petre.
- Maynard.
- Culpeper.
- Hollis.
- Delaware.
- Frechevil.
- Arundel *of* Trevice.

Their Lordſhips, or any Five of them, to meet at Three of the Clock it the Afternoon in the *Princes Lodgings*, and to Adjourn as they pleaſe.

This Order consists of Two Parts, upon Two Bills of Charity: That of *Smith*'s Case was brought into the House of Lords by the Lord Bishop of *London* upon my Humble Request the last Sessions, and then read once; The other I carried up to Your Lordships by Order of the House of Commons; and then both of them were Read, (*viz.*) the Fourth of *March last*, and Committed together, (as aforesaid:) But finding some Oppositions against both the Bills, not to the Matter of either, but by throwing Scandals on Me, as if I were a Person that suggested needless and impertinent Bills to Your Lordships: And that I did concern my self in matters wherein I ought not to be concern'd, to the disquiet of those Charitable Guifts, which have receiv'd no Interruption for many Years past, (being manag'd (as is pretended) with all Integrity,) till my intermeddling.

This is a great charge upon me, and therefore I think fit to clear my self, and settle these two Bills upon their just bottoms, and discover the grounds of my Engagements therein; That your Lordships Judgements may be the more effectually guided to the passing of them.

First, I shall begin with *Kelshall* Bill, though last mentioned in Your Lordships Order; For that Bill wants only a Report from this Committee, and a Third Reading, and the *le Roy le vult*, to make it an Act: But the other requires some other Regular Progresses and Concurrences of the House of Commons, before it returns back to Your Lordships.

As to *Kelshall* Bill, It is fit to be known, that that Town by their frugality did make a Stock of 2000 *l.* which many years since was laid out in Lands purchas'd in some of the Townsmens Names; and those Trustees had the Estate so long in their power and Arbitrary Dispose, (no Uses being declar'd,) that some other persons of the Town thounght it prudent to proceed in *Chancery*, that the Evidence thereof might be made Publick, and the particulars and Values made known, and the Uses to be agreed and declar'd, and confirm'd by Decree: And after a long-depending-Suit, before the Trustees could be brought to any Account or Agreement of Uses, or before any Decree, the most Considerable Persons for Quality, Reputation and Estates in that Town, (which I knew to be so,) applied themselves to Me with a Draught of an Act; believing that an Act of Parliament was more obliging and conduceable to a Future Quiet, then a Decree in *Chancery*.

I was the more willing to Intereſt my ſelf therein, becauſe I ſerv'd in Parliament for a Borough near *Kelſhall*, and my Habitation being within Seven Miles thereof, and the whole Town within my Regiment of the Train-bands; whereby I could the better inform my ſelf, and the Committee in all particulars; And being willing to do that Charitable Office, I did in the Year 1673. bring in the intended Act into the Houſe of Commons according to my Duty; And I can truly affirm that it hath paſt all the Regular Motions and Teſts of Three Seſſions in that Houſe, and it had twice the Sufferage of ſo numerous a Committee, that they were forc'd to Adjourn from the Speakers Chamber, into the Houſe; And it hath Thrice paid the Fees of that Houſe.

In the two firſt Seſſions, all the perſons concern'd, as well thoſe that were for, as againſt the Act, were heard by their Learned Councel, and thereupon deliberately ſettled: And the Third Seſſions all parties having notice, and there appearing no new Allegations, or cauſe of Alteration, It was Ordered again to be Ingroſſed; but before it was read this third time, the Parliament was Adjourn'd; which being for a long time; The parties which deſired this Act being diſheartened by their great Charges, and not certain of a Seſſions, They went to a Hearing of the Bill in *Chancery*; where the ſame Clauſes were Decreed which are contain'd in the intended Act, (*viz.*) *That the Rent ſhould go to the Repair of their Church, to the maintenance of a School, and to the Relief of the Poor*; In which the Act is more full then the Decree, for Diſpoſing and Settling the ſame; ſo as neither party do differ in the diſpoſing of the Charity, but only in the Names, and Number of the Truſtees, there being more, and others in the Decree, then were ſettled upon the deliberate Debates of the Committees of both Seſſions, and agreed on by the Councels on both parties, the Truſtees in the Act conſiſting of new and old upon a very equal ballance; but the other is not ſo conceiv'd.

The difference of Truſtees doth not ariſe from any dis-ſatisfaction to the Body of the Decree; For the Act doth in a manner confirm all therein, ſave only in the Truſtees, which were (as I ſaid) particularly Debated, and Reaſons then given for the fittingneſs of ſome, and unfittingneſs of others; And upon rational grounds, were ſettled by the Committees long before the Decree was made: And that which occaſion'd the Decretal Number to be ſo, was by reaſon of my abſence in time of an Adjournment; ſo as the Court was not inform'd of our proceedings in Parliament.

Now

Now the Points insisted on being in so narrow room, (*viz.*) 1*st*. Whether an Act of Parliament, or a Decree in *Chancery* so made, be most likely to quiet the Difference of the Inhabitants of that Town; Or 2*ly*. whether those Men who desire an Act to that end only; Or those who obstruct that Act? Or 3*ly*. Those who press to be, or continue Trustees, or those who are intreated to it, are the most fit to be Intrusted? I hope will admit of little time to Resolve.

I would not have meddled in this Concern, but upon Your Request, as I said of some Justices of the Peace, and of the best Estated Men of that Town, whose Subscription I have to produce. So as having no ways intruded my self into this Concern of *Kelshall*, but invited and sollicited to it, without the least Interest of my own, or favour, or affection to any of the Contestors; or expectation of a requital for my Trouble: For what I have done is meerly the discharge of my Duty to my Country, and my Neighbours; I hope I shall stand clear in this case from the fore-mentioned aspersions.

MY LORDS,

For my Vindication, I am now to shew You the Grounds of my Interessing my self in carrying on the Bill for Settling Mr. *Smith*'s Estate given to Charitable Uses: And after that, I shall expose the Estate, and the way of Disposing it, to the publick View; with some further Proposals for Settling them, not as yet incerted in the Bill.

As to my self, I am Co-heir and Executor in right of my Wife (as will be further shewn,) to Sir *Richard Gurney* Knight & Baronet, late Lord Mayor of *LONDON*, who was (except One or Two) the surviving Trustee, and Executor to *Henry Smith* mentioned in the Bill; So as I hope I may justly Interest my self herein without just Exceptions. I was in hopes to have past these two Bills with ease and silence without opposition; But being disappointed, I am forc't to say something that may relish of Ostentation; But I protest I have no such Intention; and therefore desire that none who shall read these Papers, may attribute it to me, but to a Charitable Mind, which I have deriv'd from my Predecessors both by Father and Mothers side; and have practis'd it ever since I could write my self Man.

First, As to the Donor *Henry Smith*, he was a Man that had heapt together by his frugality a great Estate, but most personal; and it seems his Thoughts and Intentions had Noble and publick ends; For he did not give to his Relations above Three or Four Thousand pounds, the rest all to Charity, as will be shewn. He

He own'd Sir *Richard Gurney* as one of his chiefeſt Friends, though his Name is recited according to the Degree he was then in, a thriving Citizen of *London*. But in the Year 1641. he was by Succeſſion and Choice Lord Mayor of *London*: And this was that Sir *Richard Gurney* that was ſentenced by the Houſe (as it was then conſtituted (and thanks be to God that it is reform'd,) to be Impriſon'd in the Tower of *London* during their pleaſure; where he continued till within a Month of his Death; And then they gave him leave to die at his Country Houſe within Ten Miles of *London*. But in this time that his Perſon was reſtrain'd, his Eſtate was ſo torn from him, that I can make it appear that he ſuffer'd above 30000 *l.* Loſs; and this meerly for his Loyalty to his King, and Fidelity to ſuport the City of *London*'s Rights.

And I conceive Mr. *Smith* did make choice of this Eminent and Loyal Sir *Richard Gurney* as one of his Truſtees and Executors, from a Prognoſticating Spirit (as I ſuppoſe) that He or his Relations would take care of this Guift: and I have reaſons to believe that Sir *Richard* did perform his part juſtly therein, (as could be done, conſidering he could not get it ſettled on *Chriſt-Church-Hoſpital* as was intended by Mr. *Smith*,) as may be ſeen by the following part of Sir *Richard*'s Will, which I have ſet down *verbatim*; that his Integrity may be added to his Loyalty and Fidelity, *viz.*

And whereas *Henry Smith* of *London* Eſq; Deceaſed, did make me the ſaid Sir *Richard Gurney* amongſt divers others of his Feoffees, a Feoffee in Fee-ſimple of divers Mannors, Meſſuages, Lands Tenements, and Hereditaments, with the appurtenances in ſeveral Counties of good Yearly value, in and upon Truſt and Confidence, and towards the performance of divers Charitable uſes for ever. And did alſo make me one of the Executors of his laſt Will and Teſtament in Writing, for the better performance of the Charitable uſes by him intended, and appointed to be performed; Whereupon I have intermeddled as a Feoffee, and Executor amongſt many others, and have taken much Care and Pains for the performance of the ſaid Truſt and confidence for 20 years together, now laſt paſt, or thereabouts, to my extream trouble and Dammage, in diverting me from my neceſſary Care and Mannaging my own Eſtate and Affairs; I do hereby proteſt before God, and to all the World, that I have dealt therein to the beſt of mine underſtanding according to the true meaning of the ſaid *Henry Smith*, and the Truſt in me in that behalf repoſed; and as to Equity and Conſcience hath appertained, as by the Evidences, Books and Writings concerning the

 ſame

ſame, if they may be ſafely preſerved, and in all due ſeaſons produced, will (I hope) appear: And whereas all the ſaid Feoffees, excepting my ſelf, and the Right Honourable Lord *Richard* Viſcount *Lumley*, Sir *Chriſtopher Nevil* Knight of the *Bath*, Sir *Henry Henn*, Baronet, and *Henry Jackſon* Gent. and all the ſaid Executors except my ſelf, and the ſaid *Henry Jackſon*, are Deceaſed; whereby the ſaid Truſt (which for the future will require a great and conſtant Care, Labour and Charge for the well managing thereof,) may be in ſome danger to be Suppreſſed, Neglected, or Miſs-governed, if ſome ſpecial care be not taken to prevent the ſame; and my Heirs or Executors may peradventure be charged or incumbred for what I have already done therein, if the ſaid Evidences, Books and Writings ſhould be aboliſhed, concealed, or miſs-laid: I do therefore upon this occaſion, wiſh, adviſe, and require my Co-heirs and Executors aforeſaid, to be very careful for the preſerving of the ſaid Evidences, Books, and Writings, for the better clearing of my Eſtate and Credit in that behalf, and my Co-heirs and Executors from all trouble and danger concerning the ſame. And I do further admoniſh and require them by the advice of Learned, good and ſufficient Councel in the Law, to take a ſpeedy courſe, and to do and procure all neceſſary Acts at the charge of the remaining and undiſpoſed Eſtate of the ſaid Mr. *Henry Smith*, as the ſame ſhall come in for the Settling of the ſaid Mannors, Meſſuages, Lands, Tenements, Hereditaments, and Premiſes in and upon the Corporation of the Hoſpital of *Chriſt-Church London*, for ever, by Act of Parliament, or other good means for the better continuing and managing of the Charitable uſes, Truſts and Confidences which are to be performed by the Conveyancers Will, and Intention of the ſaid *Henry Smith*, for ever; with allowance of a competent recompence and profit to, and for the ſaid Hoſpital and the Corporation or Members thereof in perpetual Succeſſion, as ſhall be found moſt agreeable to Reaſon, Equity, and good Conſcience, and to the true intention of the ſaid *Henry Smith*.

The Will is Dated the 27th of *September* 1647. and he dyed the Third of *October* following.

By this Will he made *Elizabeth Pettus*, and *Anne Richardſon*, (being his only Daughters and Co-heirs,) his Executors, ſo as my ſelf being Married to *Elizabeth* about Eleaven years before his death; and *Thomas Richardſon*, (then Eſq; ſince Baron of *Cramond* in *Scotland*) being Married to *Anne* about a month before Sir *Richard* dyed, we took upon us the Executorſhip in Right of our Wives;

And

And after all the Original Truſtees and Executors of *Henry Smith* were dead, we applyed our ſelves alſo to *Chriſt-Church* Hoſpital, to the ſettling of that Eſtate, as the ſaid Sir *Richard Gurney*, &c. had done before; But they refuſing, we us'd ſome other means for the ſettling it, but without effect; ſince which, the Lord *Richardſon* is dead; And I have with all poſſible care preſerv'd the Books and Evidences ſafe through all dangers of Fire, Plague, and Removals, except ſome which I lodged with the Lord *Lumley*, which they under their hands did promiſe to reſtore when demanded, and the particulars ſet down in that paper.

Now Sir *Richard Gurney* did not only make this Impreſſion in me, during 10 years before he dyed, (by communicating to me ſeveral matters concerning *Smith's* Eſtate;) but as appears by his Will, did give a joynt charge to his Executors, whereof I was one in right of my wife, and I was a Truſtee alſo of his whole reall Eſtate, which They were not; and having perform'd every tittle of his Truſt, and Will, except the ſettling of the Eſtate of *Smith*; (And the Lord *Richardſon* being dead,) I think my ſelf obliged in Honour, Juſtice, Charity, and in requital of the great and ſingular love he had for me, to uſe my utmoſt endeavours to ſee this part of his Will alſo to be perform'd, *viz.* to have it ſettled in ſome known diſtinct place, (ſeeing *Chriſt Church* refuſeth it,) and upon Known and Eminent perſons, whoſe Judgment and care may mannage it for the future according to the Donors intention; And then I ſhall not further concern my ſelf, unleſs I be deſired or required thereto: And having thus (as I hope) vindicated my ſelf, I ſhall further ſhew it, by ſhewing how this guift was Originally ſettled; and how it hath been ſince manag'd, and for ſome Propoſals to be added to the Bill how it may be more exactly ſettled, and manag'd.

As to the Original Settlement of Mr. Smith's *Real and Perſonal Eſtate, they were by Deed Dated* 3° Caroli I. *Wherein theſe Truſtees were appointed*, viz.

Earl of *Suſſex.*	John Middleton.	*Eſqs; and Citizens of* LONDON.
Sir Chriſtopher Nevill.	William Wingfield.	
The Lord Lumley.	George Low.	
Sir George Cooke *Chief Juſtice.*	William Blake.	
Sir Edward Francis.	William Rolfe.	
Sir George Whitmore.	Richard Gurney.	
Richard Amhurſt *Serjeant at Law.*	Henry Jackſon.	

Firſt

First Decree, Which was also confirm'd by Decree in *Chancery*.

And by his Will in the same year did constitute these Executors, *&c.*

Sir George Whitmore, George Low, William Blake, } { William Rolfe, Richard Gurney, Henry Jackson. } *These 6 were both Executors and Trustees.*

In the same Will these Overseers were appointed, *viz.*

Sir George Crooke, *Sir* Christopher Nevill. } *These Two were Trustees and Overseers.*
Alderman Buckhurst,
George Duncombe.

In the Year 1640. after these Trustees had purchaced severall Mannors and Lands, they Declar'd the Uses of all, as well those which were purchac'd by Mr. *Smith*, as those which they purchac'd with his Money, which I place Alphabetically according to the Counties where they lie, *viz.*

In the Bishoprick of *Durham*.
In *Durham* and *Harthpool* several Lands and Houses.
Essex. The Mannor of *Tolson Darcy*.
Glocester. The Mannor of *Longny*.
Kent. The Mannor of *Knoul*, and Mannor of *Swannock*, and Woods there.
Leicester. The Mannor of *Stoutin*.
London. An House in *Silver-street*.
Middlesex. Several Messuages in *Kinsington*, *Chelsey*, and St. *Martins in the Fields*.
Shropshire. Several Messuages and Tenements in *Chilwich*.
Southamptonsh. The Mannors of *Longstock*, *Harington*; a Messuage in *Shaddon*, a Messuage in the Parish of St. *John* in *Winchester*, the Mannor of *Shelden*, &c.
Staffordshire. The Mannor of *Trodswel*

And out of the Rents of these Mannors, Lands and Houses, are to be paid as hereafter follows; which I have not set down as in the Deeds, for they are very promiscuous: But I first set down the Counties Alphabetically which are concern'd for certain Towns within each County, to which certain Sums are yearly to be paid by Virtue of this Guift, *viz.*

In *Bedfordshire*.	l. *per an.*
To Norwell,	4
In *Berkshire*.	
To Wingfield,	13

In *Buckinghamshire*.	l. *per an.*
To Bledloe,	5
In *Cheshire*.	
To St. Jones,	11

Bishoprick of *Durham*.	
To Hilsden,	10
To Lumles,	15
To Hattlepoole,	30
To Mounten,	5
To Chester,	5
To Gutshead,	5

In

In *Eſſex.* l. *per an.*

To Stoughton, 5
To Braintree, 6
To Henham, 12
To Walden, 14
To Terling, 14
To Tolſon Darcy, 12
To Rumſy, 6-13-4
To Davencourt, 6-13-4
To Waterback, 6-13-4

In *Glouceſterſhire.*

To Longny, 8

In *Hampſhire.*

To Andover, 10
To Odiham, 10
To St. John, 10
To St. Peter, 10
To St. Michels, 10
To St. Bartholomew, 10
To Longſtock, 10
To Braughton, 10

In *Hartfordſhire.*

To Barnet, 10

In *Herefordſhire.*

To Kings Langly, 5

In *Lankaſhire.*

To Grimſtock, 9

In *London.*

To S. Giles Cripplegate, 20
To Alderſgate, 10
To S. Sepulchres, 20
and 10
To S. Mart. in the Fields, 12
To S. Olives, 10
To S. Thomas, 6
To Chriſt-Church, 10

In *Norfolk.*

To Thetford, 10
To Denham, 4

In *Wales.*

To Radner, 5

In *Somerſetſhire.*

To Shepwith, 5
To Slanton, 10
To Newton, 30
To Bath Eaſton 10

In *Staffordſhire.*

To Stafford, 14
To Newcaſt. *under Line* 12
To Lichfield *City*, 18

In *Suffolk.*

l. *per an.*

To Cheſton, 10
To Bungay, 10
To S. Peters, 14
To S. Margets, 2

In SURREY.

Abinger, 8
Adingdon, 1
Albury, 6
Alfield, 5
Aſh, 6
Aſhted, 4
Barcum, 10
Banſted, 3
Barmunſley, 20
Batterſley, 4
Barne, 3
Beddington 2
Betchworth, 10
Blithingly
Byfield, 3
Biſhley, 2
Bramly, 6
Brockham great, 10
Brockham little,
Buckland, 2
Burſted, 4
Camberwell, 4
Caſholten, 2
Capell, 4
Chelſham, 2
Charlwood, 5
Charldon, 1
Chipſted, 2
Chillington, 2
Chippam, 10
Churley, 25
Chiningfield, 5
Clapham, 2
Clandon E. 3
Clandon W. 5
Colton, 6
Cobham, 12
Cowhurſt, 2
Compton, 2
Crawley, 8
Croyden, 40
Ditton long 4

In SURREY.

l. *per an.*

Ditton Thame, 4
Dunsford, 6
Effingham, 4
Egham, 10
Elſted, 2
Epſom, 7
Eſher, 4
Eworſt, 6
Frenſham, 6
Frinley 2
Gatton 2
Godſton, 5
Grinſted 5
Hadley, 4
Hambleton, 1
and 10
Harley, 1
Haſlemere, 17
a 3
Haſtings, 5
Haſcombe, 3
Horne, 3
and 5
Horley, 5
Horſley E. 2
Horſley W. 2
Howell, 10
Katharane 3
Lambeth 10
Lethered 8
Lye 4
Linfeild 2
Linkfeild 10
Malden, 1
and 10
Marlin 1
Weſtham 3
Micleham 4
Micham 4
Maulden 1
Mortlack 3
Mouſeley E. 2
Mouſeley W. 2
Newington 10
Newdigate 5
Nutfeild 4
Okeley 6
Okeham, 2

In SURREY.	l. *per an.*
Pepper Harrow	1
Peterſham	4
Perford	3
Putney,	6
Putnam,	2
Purkright	2
Redriffe,	10
Richmond	40
Rigate	10
Ripley	8
St. Saviours in *South-wark*	28
St. Olives in *South-wark*	30
St. George in *South-wark*	20
St. Thomas	4
Sanderſted	1
Seele	3
Sheene	4
Sheere	10
Shefford	6
Send *vide* Rigly	
Stoke	10
Stoke Dauburne	

In SURREY.	l. *per an.*
Stretham	8
and	4
Sutton	2
Tandridge	4
Thurly	4
Tootin	2
Walton	2
and	2
Wabridge	4
Wapleſden	4
Wanſworth	20
Wimbleton	3
Wennoe	3
Wiſly	1
Windleſham	8
Whitly	4
Woodmaſton	1
Woollingham	1
Worlingham	2
Woomanck	8
Wooking	10
Wootin	5

In SUSSEX.	l. *per an.*
Weſtham	20
Malderton	5
Singleton	15
Charlton	10
Fletching	18
Hurſt	8
Wrotherford	9
In *Warwick-ſhire.*	
Redworth	8
Tanworth	14
In *Wilts.*	
Ludderſhall	7
Broad Hinton	7
Weſtbury	8
Warminſter	10
Cawne	10
Chipnam	10
In *Worceſter-ſhire.*	
St. Jones	7
Parſhow	50

Theſe Sums being thus Settled upon the reſpective Towns as aforeſaid, The truſtees did apply themſelves to *Chriſt-Church* Hoſpital, to take upon them the management of that Eſtate, and payment of the ſaid Sums, and to take good accounts thereof according to the Deed of Uſes, of which there is a true Copy hereto annex'd; But *Chriſt-Church* refuſing upon this Allegation, that the trouble was great, and the gift no ways ſuitable to the conſtitution of their Hoſpital: ſo the Truſtees continued the receiving of the Rent and Payments to the reſpective Towns, but no Accounts were returned to them, how the Towns had diſpoſed of the Money according to the Doners intent, nor could they require it; and thus it continued till *October* 1647. before which time all the Truſtees and Executors were dead, except the Lord *Lumley*, Sir *Richard Gurney*, *Henry Jackſon*, and Sir *Henry Henn*, which latter was not an Original Truſtee by the Original Deed, but nominated a Truſtee in the Codicil of Mr. *Smith*'s Will.

The 3*d*. of *October* 1647. Sir *Richard Gurney* died, and ſoon after Mr. *Jackſon*, ſo none were left but the Lord *Lumly*, and Sir *Henry Henn*, who were Truſtees as aforſaid, but neither of them Executors.

Upon the death of Sir *Richard Gurney*, there was in his hands of *Smiths*

Smiths Eſtate, the Sum of 1700 *l* (he being the Treaſurer in that concern) And though Sir *Richards* Executors could not clearly ſatisfie themſelves in paying of it to the two Survivors; Yet that nothing might be imputed to them, that might reflect on Sir *Richards* integrity, they did pay it upon the Lord *Lumley*, and Sir *Henry Hen's* diſcharge; and I did my ſelf perſonally Solicit *Chriſt-Church* Hoſpital to accept it, but without Succeſs; And thus it continned in the Lord *Lumley*, and Sir *Henry Hen*, till the Year 1657. and then ſome who had a mind to be poſſeſs'd of the Eſtate, did urge the Lord *Lumley* (much againſt his Judgement) to joyn in a Petition to the then Commiſſioners of the Great Seal for a new Settlement by Decree, and theſe perſons following were by ſuch Decree allow'd of (without the conſent of a Lord Archbiſhop, or Lord Chancellor, which are expreſsly injoyn'd by the Donor,) *viz.*

1. The Lord *Lumly*
2. *John Lumly* his Son, then uder Age.
3. Sir *Henry Hen* Kt.
4. *Henry Hen* Eſq; his Son.
5. *John Thin*
6. *Edward Thurland*, ſince Sir *Edward Thurland*, one of the Barons of the Exchequer.
7. *John Goodwin*
8. *John Hervy*
9. *John Ruſhworth*
10. *Henry Hen*, Kinſman to Sir *Henry Hen*, who was thereupon made Receiver and Paymaſter.
11. *William Boultny*, ſince Knighted.
12. *Hugh Woodard*
13. *Ambroſe Scidmore*
14. *Jenkinson*
15. *John Hildſly*
16. *John Shelbery*
17. *Valentine Pettit.*

Eſqs; and Gent.

The Lord *Lumley*, and Sir *Henry Hen*, ſoon after this Decree, died; the young Lord *Lumley* neither was, nor is in a capacity to Act; and moſt of the others refuſed to Act, but none of them, except the Lord *Lumley's* Son, and Mr. *Hen*, had any Relation to Mr. *Smith*, or to his Truſtees, or Executors, or to the Heirs or Executors of the Original Truſtees or Executors; Yet the expreſs Original Settlement is to the Heirs of them, or to the Survivors of them: And Secondly, no Act was to be done by them, or any of them, under the number of ſix, and none to be conſtituted Truſtees, but by Approbation of the Arch-Biſhop of *Canterbury*, or Lord Chancellor for the time being; and I preſume none will affirm, that there was any of theſe in a viſible or active being at that time.

So as this Truſt from the Year 1657, to 1674. was managed by ſome 3 or 4 of the new Truſtees, as they call themſelves; and it is to be obſerv'd, that near half of *Smiths* Eſtate was left out, for what Reaſons I know not.

But in 1673 or 1674 (being Conſcious of the weakneſs of the De-

Decree) I know not by what means the remaining new Truſtees did get another Decree, and added other Truſtees; (my *Caveat* it ſeems being uſeleſs, and my Perſon being engag'd in the laſt *Dutch* Wars;) and this (as is Alleadged) with the conſent of the Arch-Biſhop and Lord, Chancellour.

Let theſe two latter Decrees be as they are Decreed, or the Truſtees never ſo juſt; I ſay there is an impoſſibility to Act juſtly, unleſs the Perſons and ſome Publick place be adopted to the Donors Will.

Now *Chriſt-Church* being a Publick place; (having refus'd it,) all that I aim at is, that Your Lordſhips may fix it upon ſome Publick place, ſo as all perſons concern'd may repair to it; and that it may ſtand as a diſtinct Guift, ſo as the Donors Memory may not be loſt, nor Guift drown'd, or intermixt with other Charitable Streams: And that your Lordſhips would alſo fix upon other perſons, as Truſtees, or Governours, for many reaſons which I can give, without reflection on thoſe that have manag'd it; ſhould I not ſwell this Narrative too much.

And then the Perſons and Places being ingraffed in the Bill, when ever it goes down to the Commons, I ſhall diſperſe ſuch directions to every Knight of the Shire before the Committee ſet, (if the Houſe of Commons ſhall pleaſe to Commit it) as may probably guide their Judgements in ſettling this Bill upon the returns from the reſpective Towns, *viz.* who are paid, and who not, and how long ſince, *&c.*

This Bill is of a tranſcendent nature, which I call ſo, not only for the Eſtate that is now viſible, and the multitude of Guifts charg'd on that Eſtate; but for ſome conſiderable good Sums, which the Original Truſtees did look on as Deſperate; which by my Induſtry I do humbly conceive will prove reall good Money, and ſo make a further Progreſs therein: and by the Rules which guide me herein, I doubt not, but it will encourage others to other Charitable Actions, when they ſhall ſee ſuch checks to miſdiſpoſures as may invite them.

This is the Scheme of this concern, which with all humility I repreſent, (with the other of *Kelſhall*,) and tender to Yonr Lordſhips Charitable care, and Incouragement to

MY LORDS,

Your Lordſhips Moſt
Humble Servant
JOHN PETTUS.

March 1678.

Mr. SMITHS DEED OF USES.

THe Church-Wardens and Overſeers of every Pariſh, are to diſpoſe of the Money they receive according to theſe directions herein after mentioned, which are ſet down in Mr. *Smith's* Deed of Charitable Uſes, an abſtract whereof this is.

To all Chriſtian People to whom this preſent Writing ſhall come; *Henry Smith* of *London* Eſq; ſendeth, Greeting in our Lord God everlaſting, *&c. Item*, For the avoiding of corruption in the Collection, Receiving, Diſtribution, and Payments of the ſeveral Sums of Money heretofore given, limited, appointed, or aſſigned, or heretofore to be given, limitted, appointed, or aſſigned, during his Life time, or to be purchaſed, or conveyed by the ſaid Earl of *Eſſex*, Sir *Chriſtopher Nevill*, Sir *Richard Lumley*, Sir *George Crooke*, *George Whitmore*, *George Lowe*, *William Blake*, *William Rolfe*, *Richard Gurney*, and *Henry Jackſon*, or the Survivors or Survivor of them; and to be Yearly paid out of the Rents, Iſſues, or Profits of the ſaid Mannors, Meſſuages, Lands, Tenements and Hereditaments, hereafter to be purchaſed according to the true intent and meaning, of theſe preſents for the Yearly relief of the Poor of any Pariſh for the Marriage of poor Maids, or putting forth of poor Children to be Apprentices; ſhall be Yearly received as the ſaid Rents ſhall grow due and payble by the Church-Wardens and Overſeers of the Poor of each of the ſaid Pariſhes repectively; to receive the Rent of ſo much Lands, as is, or ſhall be given, limited, aſſigned, or appointed to be imployed as aforeſaid; within that Pariſh wherein they ſhall be Church-Wardens and Overſeers as aforeſaid. *Item*, the ſaid *Henry Smith* for the better ſecurity of the performance of the ſaid Charitable Gifts, doth hereby limit, and appoint and declare his intent and meaning to be, That the Church-Wardens and Overſeers of the Poor of each of the ſaid Pariſhes, for relief of whoſe Poor ſuch Gift, Aſſignment, Limitation, or appointment ſhall be made as aforeſaid, immediately after they ſhall enter into the ſaid Office, and before they ſhall meddle with receipt of the ſaid Rent, or any part thereof, ſhall become bound in double the value of ſuch yearly receipt, to the Parſon or Vicar of the ſaid Pariſh, to Collect and Receive the ſaid Rent and to imploy and beſtow the ſame according to the true intent and meaning of theſe preſents; which ſaid Parſon or Vicar, to whom ſuch ſecurity ſhall be ſo given, ſhall before the ſaid Church-Wardens or Overſeers

the Poor of the ſaid Pariſh, ſhall intermeddle with the receipt of the ſaid Rents or any of them, certifie the ſaid Obligation uncancelled to the *Governours* of *Chriſt-Church Hoſpital* in *London*; And in default of each Security ſo to be given, or Certificate made of the ſaid Obligation, that Pariſh wherein ſuch default ſhall be made, to loſe the benefit of the ſaid Gift, Limitation or Aſſignment ſo made, or to be made for that Year, wherein ſuch default ſhall be made as aforeſaid. *Item*, for the better direction of the Church-Wardens and Overſeers of the ſaid ſeveral Pariſhes in the diſtribution of ſuch Sums of Money, as are or ſhall be given, limited, aſſigned, or appointed to the ſaid Charitable Uſes aforementioned; The ſaid *Henry Smith* doth hereby limit and declare, and doth think fit and appoint, that the ſaid Church-Wardens and Overſeers of the Poor of the ſaid ſeveral Pariſhes reſpectively, ſhall give and diſtribute the ſaid Moneys given, limited, aſſigned or appointed to the ſaid Charitable Uſes, to and for the relief of Aged, poor, or infirm people, Married perſons having more Children born in lawful Wedlock then their labours can maintain, poor Orphans, ſuch poor people as keep themſelves and Families to labour, and put forth their Children Apprentices at the Age of fifteen years; wherein each of the ſaid Church-Wardens of each of the ſaid Pariſhes, are to obſerve ſuch courſe in diſpoſing of the ſaid Rents, as that a Stock may be provided, and always in readineſs, to ſet ſuch of the ſaid perſons to work as are able to labour and take pains; And not to, or for the relief of any perſons who are given to exceſſive Drinking, Whoremonger, Common Swearer, Pilferers, or otherwiſe notoriouſly ſcandalous, or to any perſons that have been incorrigible or diſobedient to thoſe whoſe Servants they have been, or to any Vagrant perſons, or ſuch as have no conſtant dwelling, or recive any Inmate or Inmates to dwell in Houſe with them, or have not Inhabited in that Pariſh by the ſpace of five years next before ſuch diſtribution to be made, or being able, refuſe to work, labour and take pains. *Item*, the ſaid *Henry Smith*, to the intent and purpoſe aforeſaid, doth further limit, aſſign, appoint and declare his intent and meaning to be, that for the better ordering and Government of the Poor of the ſaid ſeveral Pariſhes, and diſpoſing of the Sums of Money given to the uſes aforeſaid; The Church-Wardens of each of the ſaid Pariſhes, ſhall during the time they ſhall continue in the ſaid Office and place, once in every month at the leaſt, upon the Sabbath day after evening Prayer, meet in the Church of the ſaid Pariſh, to conſider of the Eſtate of the Poor of the ſaid Pariſh, and which of them have

have moſt need of relief; and ſhall alſo between the Feaſts of *Eaſter* and *Whitſontide*, next after the end of every Year, wherein the ſaid Church-Wardens and Overſeers of the *Poor* of that *Pariſh*, or any of them, ſhall have continued in either of the ſaid Office or place, openly and publickly in the Church of the ſaid *Pariſh*, after Evening *Prayer* upon ſome *Sabbath* day, upon notice and warning thereof given openly in that *Pariſh* Church immediately after the end of Morning *Prayer*, make a true and perfect accompt in a Book to be fairly written and kept for that purpoſe of all their Receipts and diſburſments, for and during the year then next before, of all ſuch Sums of Money, as they or any of them ſhall receive of the ſaid Moneys given to the Uſes aforeſaid; which ſaid Accompt ſhall be openly read, and publiſh't in the Church of the ſaid *Pariſh* on the Sabbath day next after the taking of the ſaid Accompt, immediately after the end of Morning *Prayer* there; And a Copy thereof fairly written and tranſcribed under the Hands of the ſaid Church-Wardens and Overſeers that did make the ſaid Accompt, ſhall cauſe to be affixed in a Table to the wall of the ſaid Church, in ſome convenient place, there to remain by the ſpace of fourteen days, to the intent the ſame may be publick, ſeen, read, and peruſed, and exceptions taken thereunto, if there be juſt cauſe, and the ſame exceptions informed and amended: And further, that the ſaid Church-Wardens and Overſeers of the poor, that ſhall have ſo paſſed the ſaid Accompt, ſhall within ten days then next following after the end of the ſaid fourteen days, ſend or deliver, or cauſe to be ſent or delivered, under the hands of the *Parſon* or Vicar, and of the ſaid Church-Wardens and Overſeers as ſhall paſs the ſaid Accompt, and ſuch others as ſhall be preſent thereat, to the Governours of the ſaid Hoſpital for the time being: And that if the ſaid Church-Wardens and Overſeers of the poor of any of the ſaid *Pariſhes*, ſhall fail in performance of any of the premiſſes; that then as a penalty, mulct, or puniſhment for ſuch neglect, the poor of that Pariſh ſhall not have of the Gift of the ſaid *Henry Smith*, for one Year then next enſuing after ſuch neglect, but the benefit thereof to go for that time to the poor of the ſaid Hoſpital *Item*, the ſaid *Henry Smith* doth further by theſe preſents limit, appoint and declare his intent and meaning to be, that the ſaid Sums of Money given, limited, aſſigned, or appointed to, or for the relief of the impotent and Aged poor of the ſaid *Pariſhes* reſpectively, ſhall be diſtributed, beſtowed, and imployed in apparel of one colour with ſome badge, or other mark, that the ſame may be known to be the Gift of the ſaid *Henry Smith*,

or

or elſe in Bread, and Fleſh or Fiſh upon each Sabbath day, publickly in the *Pariſh* Church of each of the ſaid *Pariſh* Churches. In Witneſs whereof, the ſaid *Henry Smith* hath hereunto ſet his Hand and Seal the twenty ſixth day of *January*, in the Second Year of King *Charles* of *England*, &c. 1626.

There are other Uſes alſo in another Deed, *viz.* for porr Priſoners, hurt and maim'd Souldiers, poor Maidens, ſetting up poor Apprentices, for mending High-ways, for loſſes by Fire or Shipwrack, or otherwiſe, as the Truſtees ſhall think moſt fit and convenient, which for brevities ſake I have abſtracted.

F I N I S.

The Caſe of South-Town;

(ALIAS) LITTLE-YARMOUTH in the County of SUFFOLCK;

Concerning their Fiſhery and Merchandize.

THere is a Bill preferred in Parliament; Praying that it may be declared by Act of Parliament, that the Men and Inhabitants of *Little-Yarmouth*, alias, *South-Town* for the time being; may Lade and Unlade their own Goods and Merchandize out of their own Veſſels at *Little-Yarmouth*, and make Sale of them there, paying the Kings Cuſtomes at *Great-Yarmouth*, without impediment by *Great-Yarmouth*.

Note. The Town of *Little-Yarmouth* conſiſts now of about Thirty Houſes, whereof divers are Inhabited by conſiderable Farmers of about a Hundred or Sevenſcore pound *per Annum*, beſides Salt-Pans; to which the Controverſies with the Town of *Great-Yarmouth* hath reduced that place, which heretofore was a Great Town, and had two Pariſh Churches, and ſtill is part of the Port of *Yarmouth*, and is the only inſtance in all the Kings Dominions, that one part of the ſame Port ſhould be ſo oppreſt by another, that they may not Fiſh or Trade by Sea or Land, but for the benefit of their Neighbour-Town, though they pay the Kings Cuſtomes at *Great-Yarmouth*.

And for paſſing this Bill, the Town of *Little-Yarmouth* ſay; That by the Statutes of 9. *E.* 3. 1. and 2. *R.* 2. 1. All Merchants, Alians, Denizens, and others whatſoever, that will buy or ſell Fleſh, Fiſh, and other things Vendible within Franchiſe, or without, may freely without Interruption ſell them; and if any ſhall diſturb, he ſhall Forfeit double Damages to the Party, be Impriſoned for Twelve Months, and be Fined to the King; And this ſhall be Obſerved, Performed and Kept, in every City, Burrough, Port of the Sea and other places, notwithſtanding, Charters of Franchiſe granted to them to the Contrary, nor Uſage, nor Cuſtome, nor Judgment given thereupon that they can alledge. Which Charters, Uſages and Cuſtomes, the King, Lords and Commons hold of no Force, as things Granted, or Uſed, to the Damage of the King and Great Men of His Realm, and to the Oppreſſion of the Commons.

That by the Statute 11. *R.* 2. *c.* 7. the Statute 9. *E.* 3. 1. and the Statute 25. *E.* 3. 2. to the ſame effect, are Confirmed, and if any Statute, Ordinance, Charter, Letters-Pattents, Proclamation, Franchiſe, Commandment, Uſage Allowance, or Judgment be made or uſed to the Contrary, it ſhall be utterly Repealed, Avoided and holden for none.

☞ *Note.* The Charter under which the Men of *Great-Yarmouth*, doe more eſpecially Shelter their Oppreſſive Uſages was made, 10. *R.* 2. and ſtands therefore Repealed and Avoided by the Subſequent Act, of 11 *R.* 2. 7.

That the purpoſe of the Bill is the Enlargement of the Fiſhing-Trade, and Encouragement of all Merchandize, and eſpecially of Fiſhers that come from the *Weſt-Country*, *Kent*, *Newcaſtle*, and other Sea Towns, and Places, whoſe Hazzards and Induſtry are much diſcouraged by the inconveniences they find in the by-Laws of *Great-Yarmouth*, contrary to the fore-mentioned Statutes, and more particularly.

The Fiſher cannot ſell his Herring to any Man but his Hoſt, in *Great-Yarmouth*, (which might not be uſed, but only in the caſe of Merchant-Strangers;) nor can he capitulate with the Hoſt for price, but muſt take what the Hoſt pleaſe to give for them, by which means the Fiſher often-times ſees his Herring ſold before his face to forreign Buyers for almoſt double the rate he receives; And in caſe of a plentiful Fiſhing, the Fiſhers are forced to carry their Herrings to *London*, or other Ports at great diſtance, and thereby looſe the reſt of the ſeaſon of Fiſhing, or throw what they have taken over-board, that they may return to catch freſh for other Ports, becauſe the Free-men of *Yarmouth* will not buy them, and no body elſe may.

The Charters and Grants in Parliament, by which *Great-Yarmouth* claim theſe Exorbitant Priviledges of Monopoly have been very often complained of in Parliament; divers times Repealed by Acts of Parliament; As 6. *E.* 3. 35. *E.* 3. 50. *E.* 3. and 5. *R.* 2. never thought Juſt or Reaſonable, as appears by the Arbitrations by the King and Council; 34. *E.* 1. 6. *E.* 3. and by Order of the Queen and Council, 21. *Eliz.* by all which it is affirmed that thoſe of *Little-Yarmouth* may Unlade and Sell their own Goods in their own Ships, at their own Town.

Great-Yarmouth receives yearly towards Repair of their Peer above Three Thouſand Pound, as by Peerage, Anchorage, *&c.* and other Town-Duties, at the leaſt to the value of Fifteen Hundred Pounds *per Annum*: by Profits of the *Hayning-Chamber*, *Communibus Annis* Fifteen Hundred pounds; by the half Doles, Three or Four Hundred pounds, out of which they ſay they are at One Thouſand pound Charge (others believe half the Money) for preſerving of the Peer; And their profits of this nature, or any other juſtifiable gains will not be abated if the Liberty be confirmed to *Little-Yarmouth*, as is deſired by the Bill.

The Laws for Regulating the Herring-Fiſhing, and the late Act concerning the well packing of Herrings, extend as well into *South-Town* as now they do to *Great-Yarmouth*, and the Fiſhery and Merchandize there, is by the Ordinance of Herrings, under the Care and Government of the Wardens of the Cinque Ports; therefore there is as little Ground for fear that *Little-Yarmouth* will by abuſes, bring the Herring-Trade into Diſ-repute, as there is for hopes that the Herring-Trade will enlarge till the receptions of Fiſhers, and their liberty of Selling be extended beyond the Limits of *Great-Yarmouth*.

The Port of *London* is the moſt Conſiderable in all *England*, yet Merchandize for which Cuſtomes are paid at the Cuſtome-houſe in *London*, may as lawfully be Unladen at *Greenwich*, *Ratcliſt*, or *South-warke*, as at *Tower-wharff*: But *South-Town*, is nearer to *Great-Yarmouth*, then *South-warke* to *London*, and is part of the Port of *Yarmouth*.

This Bill though it receive the Particular Countenance of a very Honourable and Worthy Member, Sir *Robert Paſton*, yet it is his Zeal to the Neighbouring Counties that Engage his Patronage, not his Private Advantage, for moſt of the Lands in *South-Town* belong to Perſons of Quality their Owners, and not to Sir *Robert Paſton*; but it is an Artifice of the Adverſary to Reproach a Publique Good, with the Name of Private Deſign.

816. m. 16
30

THE CASE OF THE

Gentlemen Freeholders and others, who have right of Common in the Foreſt or Chace of Needwood *in the County of* Stafford.

THAT *Thomas* Earl of *Stamford* Chancellor of the Dutchy of *Lancaſter*, hath in an Arbitrary way, taken upon himſelf to publiſh divers Orders in the nature of Laws, whereby the Subjects Rights and Liberties in the ſaid Foreſt or Chace of *Needwood* are Invaded; ſeveral particulars whereof are hereafter mentioned.

That whoſoever ſhall mark his Cattle, put into the ſaid Foreſt, with a counterfeit Burn ſhall Forfeit 10 *s.* and the Cattle ſo marked ſhall be Seized, Appriſed and Sold towards the Fine.

That whoſoever ſhall convey any Cattle out of *Needwood* privately, after notice given of a publick Drift, ſhall Forfeit the Cattle and 10 *l.* a peice to the Informer, and them that Seize them; and if the Cattle cannot be found, ſhall be amerſed double the Cattle, and 5 *s.* a peice to the Informer.

That if any Perſon ſhall convey any of his Griſt to any other Mill, than the *Wood* Mill, againſt the ancient Cuſtom and Right of the Mill, he ſhall F[illegible] 5 *s.* for every Offence; and every keeper Offending ſhall Forfeit 6 *s.* 8 *d.* being lawfully Convicted before the *Wood-mote Jury* or the *Dutchy* Court.

That no Perſon ſhall take or get in the ſaid Foreſt, or Chace, or any the Parks thereto belonging, any Crab-Trees, Whit Thornes, Hollies or Haſils on Pain of a Months Impriſonment.

That no Commoners or other Perſons ſhall Fother any Cattle in any part of the Foreſt, at any time from the Feaſt of St. *Andrews* till the laſt day of *March*, upon Pain of Forfeiting their Common, and for every Beaſt and Horſe there Fothered 6 *s.* 8 *d.* which Orders, if the Commoners in general diſlike, then it is Ordered that 300 Acres of the Foreſt ſhall be incloſed, and continually kept in ſeverally for the Succour of the Deer.

That no Perſon ſhall keep any Swine in the Foreſt but in Crab time, on Forfeiture of the Swine, and that ſuch as continue inſufficiently Rung ſhall be Forfeited and Seized to his Majeſty's uſe, and the Owner Forfeit for every Swine 3 *s.* 4 *d.*

That no Keeper or others ſhall keep or ſuffer any of their Sheep to Depaſture in the ſaid Foreſt, upon Forfeiture of the Sheep and 12 *s.* a Day for each Sheep.

Theſe amongſt divers others of the like nature, are put under his Majeſty's Great Seal of the ſaid *Dutchy* of *Lancaſter*; and Ordered them to be Read in all Pariſh Churches, about the ſaid Foreſt or Chace, whoſe Pariſhoners claim Right of Common there, which was done accordingly, to the great Diſturbance of the People, for that the ſaid Orders imply.

I. The Impoſing Exorbitant Fines.
II. Forfeiture of Goods.
III. Setting up Informers by great Rewards.
IV. Impriſonment of their Perſons.
V. The Forfeiture of their Free-holds.

Which Penalties 'tis Humbly preſum'd, cannot be Impoſed on any of his Majeſty's Subjects but by Act of Parliament.

Wherefore 'tis Humbly hoped, that the Honourable Houſe of Commons will take the Premiſſes into their ſerious Conſideration, and give ſuch Releif therein, as to their Great Wiſdom ſhall be thought fit.

E 5-2
816. m. 16.
31

THE Case and Justification OF Sr. JOHN PETTUS,

Of the County of *Suffolk*, Knight,

Concerning Two Charitable BILLS now Depending in the *House of Lords* under his Care.

One for the better settling of Mr. *Henry Smith's* Estate, according to the Donor's true Intention.

The other for settling of *Charitable Uses* in the Town of *Kelshall*, according to the desire of the chief Land-Owners and Inhabitants there.

Humbly Represented to the Lords and Commons in PARLIAMENT.

For the better Regulating of them for the future.

Printed in the Year 167[illegible].

My Lords,

I Joyn these two Bills together in one Case, because they are both now manag'd by vertue of two Decrees obtain'd (as I conceive) by mis-representations; and both of them also manag'd (at present) by Persons not suitable or proper (as is conceiv'd) for the Trusts of them: So as these Acts are intended to make the Trusts more publick, and Obligations to the performers of the Charity intended by both.

In relation to Your Lordships grandeur: I could not well reduce them into a lesser shape; and though they appear in a greater bulk then is usually presented, yet I assure Your Lordships they do not take above seven minutes to the reading of them; and I hope they will prove so satisfactory, that the concerning of my self in them, will be attributed rather to my Charitable disposition, (for I intend a good to 224 Towns, in 32 Counties in England and Wales) then an injury to any man. My aim being, that so great a Charitable Gift may not be hid under a Bushel, but set in a publick place, (as it deserves) and also manag'd by publick Persons, so as the light and reputation of it, and my clear intents, may be seen by Your Lordships, and the Representatives of those Counties and Towns where they are.

Pro-

Protesting, that neither favour nor affection, or hopes of reward in this World, have in the least invited my endeavours for the settling these two Bills *into* Acts, *for I have sufficiently contented my self, that I have given Your Lordships the opportunity of doing a great Good, by passing one, and giving the other a serene progress to the* House of Commons: *both being humbly submitted to Your Lordships wisdoms, by,*

My Lords,

Your Lordships most obedient

and humble Servant,

Jo. Pettus.

816. on. 16

REASONS *humbly offered for Repairing and Amending the Highway or Road leading from* Weſtminſter-Ferry *through the Town and Pariſh of* Cammerwell *into the County of* Kent, *and part of* Suſſex, *or that the Inhabitants, and others, paſſing and repaſſing on the ſaid Road, and to and from* London, *may be excuſed from paying to Turnpikes, whereby they receive little or no Benefit.*

I. TWO Acts of Parliament paſſed in the Fourth Year of the Reign of His preſent Majeſty, The one for Amending the Roads from the City of *London* to the Town of *Eaſt-Grinſtead* in the County of *Suſſex*, and to the Towns of *Sutton* and *Kingſton* in the County of *Surrey*; The other for Repairing the Highways from the Stones-end at *Kent-Street* in the Pariſh of *St. George's Southwark* in the County of *Surrey*, to the Lime-Kilns in *Eaſt-Greenwich*, near *Black-Heath*, and to *Lewiſham* Church on the *Tunbridge* Road in the County of *Kent*.

II. By the ſaid Acts the Inhabitants of the Town and Pariſh of *Cammerwell*, and others, are debarred from coming to *London* and returning Home to and from their reſpective Habitations, without going or coming through the one or the other of the Turnpikes, erected by the ſaid Acts, by reaſon the ſaid Turnpikes are ſet ſo near to Streets leading into *London*, that they are obliged to pay to them, though they receive little or no Benefit thereby.

III. The Road leading through the Town and Pariſh of *Cammerwell* is the Antient Road from *Weſtminſter-Ferry* to all Parts of the County of *Kent*, and part of the County of *Suſſex*, and is very much frequented by the Quality, Gentry, and others, for avoiding going over the Bridge, and upon the Stones through the City and *Southwark*; And all thoſe likewiſe who paſs and repaſs between *Weſtminſter-Ferry* and the Places, as aforeſaid, are alſo obliged to pay to both the Turnpikes erected by virtue of the ſaid Two Acts, and only croſs over one of the ſaid Roads, and receive very little Benefit by the other.

IV. The Pariſhes of *Cammerwell* and *Newington*, through which moſt of the ſaid Road lieth, have done their full Statute Work, and alſo raiſed a conſiderable Tax beſides by a Pound-Rate; yet the ſaid Road remains in a ruinous Condition, ſo that it is become dangerous to paſs through the ſame, during the Winter-Seaſon, by reaſon of the many Cattle, Horſes, Coaches, Waggons, Carts, and other Carriages uſing the ſame: Very great Damage is alſo done by the vaſt Quantities of Gravel brought through part of the ſaid Road, for Amending the *Surrey* Road, by the Truſtees.

And as it is a very great Hardſhip for the Inhabitants of the Town and Pariſh of *Cammerwell*, and others, to pay large Sums of Money for coming to *London*, and returning Home; and alſo the Quality, Gentry, and others, Travelling into *Kent* and *Suſſex*, to be obliged to pay to Turnpikes, without receiving any Benefit, for want of having the Road on which they paſs and repaſs included in the ſaid Acts to be Repaired and Amended.

It never being the Intention of the Law to lay a Tax upon the Subject, but in ſuch Caſes where they are to be benefited in that which they pay for; and had the Turnpikes, erected by virtue of the ſaid Two Acts, been ſet in ſuch Places as not to have collected Money but on ſuch as uſed the ſaid Roads, there had been no occaſion of Complaint; (which they might eaſily have been, by ſetting that on the *Surrey* Road nearer to *Newington* Town, and that on the *Kentiſh* Road by the Half-way Houſe, or thereabouts, inſtead of *New-Croſs*:) But as they are now fixed, we cannot help thinking, but the ſame was done in ſome meaſure to oblige us to pay towards Repairing their Roads without reaping any Benefit thereby.

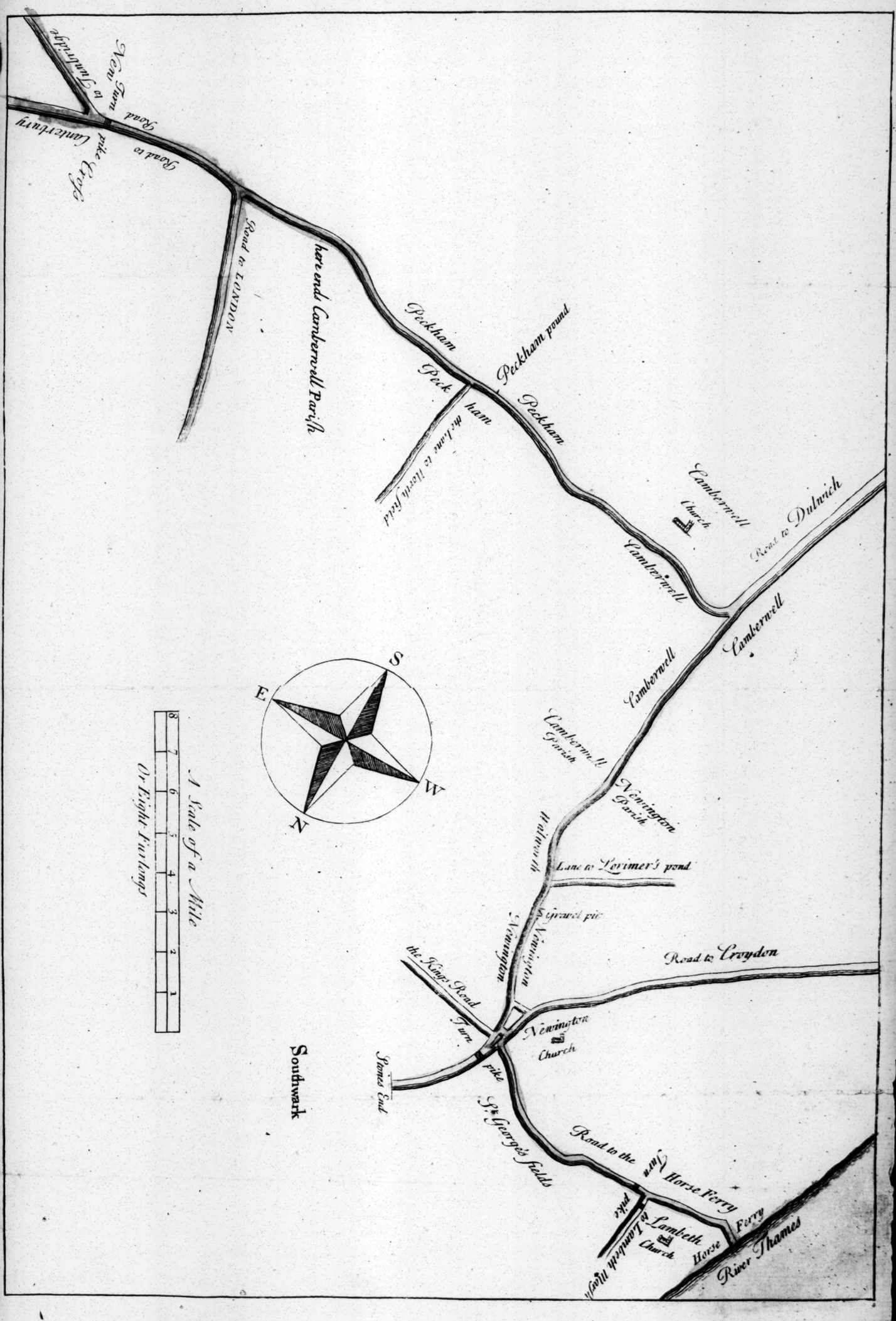
For which Reaſons it is humbly hoped, That the ſaid Antient Road leading from *Weſtminſter-Ferry* through *Cammerwell* and *Peckham* to *New-Croſs*, being on the *Kentiſh* Road, may be Repaired and Amended by the Truſtees appointed by the ſaid Two Acts for Repairing and Amending the ſaid Roads, or that the ſaid Inhabitants of the Town and Pariſh of *Cammerwell* may be excuſed from paying towards the ſaid Turnpikes upon their coming to *London* and returning Home again, they having little or no Benefit by the ſame, or grant them ſuch other Relief as in your great Wiſdom ſhall ſeem meet.

N. B. *The Road which is Coloured* Red, *is the Road deſired to be Amended.*
And that which is Coloured Yellow, *is the* Kentiſh *Road to* London, *Amended by thoſe Truſtees.*
And that which is Coloured Blue, *is the* Surrey *Road to* London, *Amended by thoſe Truſtees.*

REASONS

Humbly offered for Amending the Antient Road leading from *Westminster-Ferry* to *New-Cross* on the *Kentish* Road, being in the County of *Surrey*.

84 12214 n 110.


New Town
Tunbridge
Road to
Canterbury
Road to LONDON
here and Camberwell Parish
Peckham
Peckham pound
Peck
ham
Peckham
Lane to Heath field
Camberwell
Church
Road to Dulwich
Camberwell
Camberwell
Camberwell
Parish
Newington
Parish
Lane to Lorimer's pond
Gravel pit
Vauxhall
Road to Croydon
the Kings Road
Turn
pike
Newington
Church
Stones End
St Georges Fields
Road to the Horse Ferry
Turn
pike
Lambeth
Church
Horse
Ferry
River Thames
Lambeth Marsh
S
E
W
N
A Scale of a Mile
Or Eight Furlongs
8
7
6
5
4
3
2
1
Southwark

The CASE of

33

The Commissioners of the Land Tax for the Hundred of *Hemlingford*, in the County of *Warwick*,

In ANSWER,

To the Petition of *John Chetwind*, Esq; and some other Inhabitants of part of the Hundred of *Hemlingford*.

The Complaint of the Petitioners, is, that a Deficiency of 861 l. 8 s. 6 d. *is laid upon them, tho' they have paid their full Proportions. And therefore, they Pray Relief in Parliament; and that such Irregularity may be prevented for the future.*

The true State of the CASE.

For the Year 1698, the Proportion laid by the Act upon this County, was 2805*0 l.* 11 *s.* 11 *d.*

AT the General Meeting of the Commissioners for the County, they proportioned this Summ upon the several Hundreds. And the Proportion of the Hundred of *Hemlingford*, was 779*1 l.* 16 *s.* 8 *d.* which Summ did not exceed the Rule of three fourths of the Tax granted in 1693.

They all then agreed, that the Method of Assessment throughout the whole County, should be according to the antient Proportions there used, for Levying Parliamentary Funds, and County Rates and Taxes, not exceeding three Shillings in the Pound. All the rest of the County complied with this Method, and paid accordingly; And so did most of the Inhabitants of the said Hundred.

The Commissioners Acting for this Hundred, made the Sub-divisions upon each Township of the whole Summ laid on the Hundred, according to that antient Method, And accordingly made out their Warrants to the Assessors, and afterwards to the Collectors, and appointed the 23d of *May*, 1698, for hearing Appeals.

Nota, The Petitioner Mr. *Chetwind*, (as a Commissioner) thus far acted with them, and signed several of the Warrants.

But on the Day of Appeals, neither he, nor any of the Petitioners appealed, as to their own particular Rates, but he bringing with him several Commissioners (some of whom lived out of the County, and had not appeared before) thereby got a Majority, and they, instead of joyning in hearing Appeals, declared they would not comply with that antient Method, directed at the general Meeting of the Commissioners, and so took upon them to make new Rates and Assesments upon the several Parishes and Townships (whereby they eased themselves) and issued out new Warrants for Assessing and Collecting the same.

The Commissioners who made the first Assesments and Warrants to avoid any Dispute, procured the High Sheriff to summon a general Meeting of all the Commissioners of the said County, to determine, this Controversy; and they met accordingly, and both sides having been heard, withdrew, and the Commissioners of the County unconcern'd, determined the Matter against Mr. *Chetwind* and his Party, and made an Order therein under their Hands and Seals, dated the 13th of *June*, 1698.

The said Commissioners likewise being advised by the King's Council, that such proceedings of the Petitioners were Irregular, carried on the Execution of their first Warrants, and caused distresses to be taken, and made returnes into the Exchequer, and fined some Officers, who by Mr. *Chetwind*'s Encouragement, would not do their Duty. And another Officer, who ventured to take a Distress, persuant to his Warrant from the said Commissioners, was committed to Goal for Fellony, for which false Imprisonment that Officer recovered 40 *l.* Damages, of the Justice of Peace.

But if the Petitioner Mr. *Chetwind*, and his Party, have put their other Assesments and Warrants in Execution, it is by Consent amongst themselves, and only to give Colour to this Complaint.

Some time after this, Process came out of the Exchequer, against the Commissioners of the whole County for the Deficiencies, whereupon they met and directed their Warrants to the Sheriff of the County to levy these very Deficiencies upon the Towns now in Dispute, and Part of the said Sums have been levyed by the said Sheriff, and paid into the Exchequer.

After all this, the Commissioners of the Hundred, who differ from Mr. *Chetwind*, applied to the Lords of the Treasury for their Direction in this Dispute, who referred them to the Barons of the Exchequer, on whom they attended accordingly, and the Barons were pleased to appoint a Day, of which the Petitioner had Notice by an Attorney, whom the Petitioner threatned to have laid by the Heels, for a Breach of Priviledge, he happening to be a Member of Parliament at that time, and Mr. *Chetwind* not appearing, the Barons made no Order: But have since thought fit to issue out their Process to the Sheriff of the County, for levying 105 *l.* Fines, lay'd by the said first Acting Commissioners upon Offenders, and a great part of the said Fines have since been levied, and paid into the Exchequer.

In the Act for the Land Tax, for the Year 1701, there is a Power given to the Commissioners of every County, at their first General Meeting, to enquire into, and adjust the Deficiencies of the Taxes for the former Years: And in Persuance thereof, the Commissioners of this County, at their first General Meeting, appointed to hear and determine this Complaint of Mr. *Chetwind*, and his Party: And they have determined the same against Mr. *Chetwind*, and certified the same by one Duplicate returned into the Exchequer, and another to the Receiver General, with the Names of those Commissioners that should act therein, in the said Hundred of *Hemlingford*, which they have accordingly done, and therein appointed under their Hands and Seals, That these Deficiencies now in Dispute, ought to be paid by the Petitioner Mr. *Chetwind*, &c.

If it be pretended, That some particular Persons are now rated too high; it was their own Fault, and they might have been relieved by Appeal; but they have contrived it on purpose to surport their Complaint; and if it were worth while to enquire into all the Particulars, it would appear, That they pay much less than what they ought; and especially, That Mr. *Chetwind* does not pay for 400 *l. per Ann.*, when his Estate is 800 *l. per Ann.* or near that Value.

Wherefore the Commissioners [redacted] hambly conceive, that they have acted fairly and prudently and used all due Methods to determine this Complaint, and hope that the Petition shall be dismissed with Censure.

CASE

OF

The Commissioners of the Land Tax for the Hundred of *Hemlingford*, in the County of *Warwick*.

In ANSWER

To the Petition of *John Chetwind*, Esq; and others.

THE

CASE

OF THE

Hundred of Hemlingford,

In the County of *Warwick*.

THe Summ charged upon *Hemlingford* Hundred in the County of *Warwick*, for the Year 1698. was 7791 16 8

The Proportion for *Kendal*'s Diviſion 1479 03 8 3/4

A Warrant dated the 29th. day of *April* in the year 1698. to Aſſeſs the Three Fourths of what they paid in the Fourth year of the late King and Queen, according to Act of Parliament granted in the aforeſaid year.

A Warrant to Collect accordingly, under the Hands and Seals of Eight Commiſſioners.

An Appeal made *May* the 10th. 1698. and the Duplicate delivered upon Oath, Allowed by Eight Commiſſioners under Hands and Seals.

A Duplicate returned into the *Remembrance-Office.*

A Certificate ſent into the Countrey of the Receipt of it.

All the Money in *Kendal*'s Diviſion for the Firſt Payment was paid on or before the 7th. day of *June*, 1698.

Kendal's Diviſion paid 1490 12 3

Which was all that the Act required.

A Warrant given under the Hands and Seals of Six other Commiſſioners at *Warwick*, the 13th. day of *June* 1698. directed to Mr. *Kendal* one of the High-Conſtables for the Hundred of *Hemlingford* in the County of *Warwick*, to Raiſe and Aſſeſs the ſeveral Summs therein expreſſed, amounting to 2086 15 6 3/4

A Warrant to diſtrain, dated the 26th. day of *July*, 1698.

Diſtreſſes irregularly taken.

Divers other Warrants to raiſe Money upon the aforeſaid Diviſion.

Moneys received, and not accounted for

THE CASE UPON The Writ of ERROR BETWEEN *RICHARD BROWN* and *AYLIFF WAITE*, touching the Manor and Lands of *Dauntſey*, in the County of *WILTS*, late of Sir *John Danvers*, Knt. appointed by Order to be heard at the Lords Bar, on *Monday* the 23d of *Nov.* 1691.

4 *Caroli* I. *Ann.* 1629.

HENRY Earl of *Danby* being ſeized in Fee of the Premiſſes, ſettles the ſame on himſelf for Life, the Remainder to the ſaid Sir *John Danvers* his Brother for his Life, the Remainder to *Elizabeth* his Wife for her Life, the Remainder to the Heirs of the Body of the ſaid Sir *John Danvers*, the Remainder to the right Heirs of himſelf, the ſaid Earl of *Danby*.

May 5. 1647.

The ſaid *Elizabeth*, and the ſaid Earl died, and the ſaid Sir *John Danvers* was Brother and Heir of the ſaid Earl, and thereby at, and before the 25th of *March*, 1646. was ſeized of the Premiſſes in Fee-Taile. The Reverſion thereupon expectant to him in Fee.

April 17. 1655.

Sir *John Danvers* by Fine and Deed limits the Premiſſes to the uſe of himſelf, and the Heirs of his Body; and for want of ſuch Iſſue, to the uſe of his own Right Heirs.

Sir *John Danvers* died, leaving Iſſue *John Danvers* his Son and Heir, who is Leſſor of the Plaintiff.

12 *Caroli* II. *cap.* 11. *Ann.* 1660.

The ſaid Sir *John Danvers* having been notoriouſly active **in the Treaſon of Murthering King** CHARLES the First; and being dead when the *Act of Indemnity* paſſed, his Eſtate was excepted out of the ſaid Act.

13 *Car.* II. *cap.* 15. *Ann.* 1661.

By the Act of Parliament **for Pains and Penalties**, therein reciting that Sir *John Danvers*, and others, whilſt they lived, were notoriouſly known to have been wicked and active Inſtruments in the proſecution and compaſſing **of that horrid and execrable Treaſon, the Murther of our late Sovereign Lord King** CHARLES **the Firſt of ever bleſſed memory**; and for that no Act had paſſed then for inflicting of due Pains, Penalties and Forfeitures upon the Perſons and Eſtates of the Offenders aforeſaid, It is enacted, That all and every the Mannors, Meſſuages, Lands, Tenements, Rents, Reverſions, Remainders, Poſſeſſions, Rights, Conditions, Intereſts, Offices, Fees, Annuities, and all other the Hereditaments, Leaſes for Years, Chattels real, and other things of what nature ſoever they be of them the ſaid Sir *John Danvers*, &c. which they, or any in truſt for them, had the 25th day of *March*, 1646. or afterwards, ſhall ſtand, and be forfeited to His MAJESTY, His Heirs, and Succeſſors, and ſhall be deemed, veſted and adjudged to be in the actual and real poſſeſſion of His MAJESTY, without any Office or Inquiſition thereof thereafter to be taken or found.

Paſ. 1675. 1676.

The Lands in queſtion have ever ſince been enjoyed by, and under the Crown.

This Action of Ejectment was brought in the *King's-Bench*, in *Eaſter* Term, 1675. and Judgment was given againſt the Plaintiff, by the unanimous Opinion of the Four Judges there, in *Michaelmas* Term, 1676.

An. 1689

A Writ of Error having been brought in the *Exchequer Chamber*, the Judgment was affirmed by the Opinion of all the Judges of the *Common Pleas*, and Barons of the *Exchequer* except two, *viz.* Mr. Baron *Lechmer*, and Mr. Baron *Turton*.

The queſtion of this Caſe is,

If Sir *John Danvers*, who in 1646. was ſeized of the Premiſes in Tail, with Remainder to his own right Heirs, were ſeized of ſuch an Eſtate as is forfeited, and given to the Crown by the ſaid Act of Pains and Penalties.

It was reſolved by both the ſaid Courts, That all the Eſtate in the ſaid Lands was forfeited, and given to the Crown by that Act for theſe Reaſons:

I. The Act takes notice of Sir *John Danvers*'s Crime, which was **High-Treaſon**, and intended to inflict the ſame forfeiture as to his Eſtate, he having, by Death, avoided being Attainted, as would have been, had he been in Life, and Attainted; and he is reputed by the Act as a perſon Attaint.

II. The words of the Act are as comprehenſive as may be, and extend to forfeit all Lands, and all Eſtates in them, that might be any ways forfeited by the comprehenſive words of Rights, Intereſts, and Hereditaments, which muſt extend to the Inheritances in the Lands, or to nothing, the Offender being dead.

III. Eſtates Tail, ſince they are become Alienable by Common Recoveries and Fines, and thereby the perpetuity created by the Statute of *Weſtminſter*, 2. *de Donis Conditionalibus*, liable to be broken, are forfeitable; a Forfeiture being in nature of Alienation, by the general words of an Act of Parliament, as appears from the Statute of 26 *H.* 8. by which Act Eſtates Tail are forfeitable for Treaſon under the general words of Eſtates of Inheritance; and by the ſame Reaſon, the words, Rights, Intereſts and Hereditaments, in the Act of **Pains** and **Penalties**, which is agreed to extend to carry an Eſtate in Fee-ſimple, ſhall as well extend to an Eſtate Tail; and it may be as well denied that an Eſtate in Fee-ſimple, as in Fee-Tail is forfeited by this Act, the words being no more expreſſive of one Eſtate than the other.

IV. The Act intended the Offenders Eſtate ſhould not be enjoyed by their Children; for in the general ſaving, there is exception of the Child or Children of the Offender.

2. There was another Point argued by Council in the *King's Bench*, and *Exchequer-Chamber*, *viz.* If by the Fine Levied by Sir *John Danvers* in 1647. there were not ſuch an Alteration made of the Eſtate as ſhould ſubject the Lands in queſtion, to the Forfeiture by the Act, though the old Eſtate Tail ſhould not be forfeitable by it: But the Caſe was adjudged in the other Point, and little notice taken of this by the Judges, becauſe the firſt Point was ſufficient.

of Error betweeen Brown
& Wayts or about certain
lands in Wiltshire relating
to the trayson of Sr John
Danvers-

In ye House of Lords

NOTES
ON THE
CASE
ON
Sir JOHN DANVERS's Settlement.

It is humbly offered,

THAT Eſtates Tail are alienable by the Tenant in Tail, by Fine or Recovery; and forfeitable for Treaſon by him committed, notwithſtanding the Statute *de Donis conditionalibus*; as is agreed by all.

That thereby the Protection of Eſtates Tail for the Iſſue by that Statute being gone, Eſtates Tail are juſtly eſteemed abſolutely in the power of the Tenant in Tail; and no Conſideration is had of the poſſibility of the Eſtate coming to his Children, if he do not diſpoſe of it: For which reaſon, for many Years laſt paſt, no Perſon hath been made Tenant in Tail, where it was not intenced to preſerve the Eſtate ſettled, abſolutely in his Power to diſpoſe it from his Children.

That where the Eſtate is intended to be preſerved for the Children, againſt the Acts or Forfeitures of the Father, the Father is made Tenant for Life, with Remainder to all his Sons ſucceſſively in Tail, and thereby the Eſtate is abſolutely ſecured to the Iſſue, whatever Misfortune happen to the Father: In this form are the Settlements of almoſt all the Great Families in *England*; which will not at all be weakned, although an Eſtate Tail be forfeitable for Treaſon.

That if Sir *John Danvers* had been made Tenant for Life, with Remainder to his Sons ſucceſſively in Tail, the Intereſt of his Children had not been forfeited by the Words in the Act of Pains and Penalties, as was adjudged in the Caſe of *Tichburn*, Son of one of the Regicides, whoſe Eſtate being ſo ſettled, was recovered after his Death, from *Lewen*, who had purchaſed it from the Crown.

That Sir *John Danvers*'s Eſtate Tail is forfeited by the Comprehenſive Words, Of all Sir *John Danvers*'s Rights and Intereſts; for he had the Eſtate Tail abſolutely in him to alien or forfeit; and therefore the Eſtate Tail was a Right and Intereſt in him, within the Words of that Act; for the Eſtate Tail can be no more ſaid to be the Iſſue's in the Life of the Tenant in Tail, than an Eſtate in Fee to be the Heir's in the Life of the Anceſtor.

That the Forfeiture of a Perſon Attaint for Treaſon, is not becauſe he is Attaint, but for that he is Guilty of Treaſon, of which the Attainder is only an Evidence: And therefore the Forfeiture is of the Eſtate he had at the time when the Offence was Committed.

That the Act of Pains and Penalties hath declared Sir *John Danvers* to be Guilty of High Treaſon, which is equal to the Evidence of an Attainder: Therefore the Act proceeds without Attainder, to give a Forfeiture of Eſtate as for High Treaſon, and makes it not material, Attaint or not Attaint; the Forfeiture not depending on the Attainder, but on the Offence, and the words giving the Forfeiture.

That the Act of Pains and Penalties is a particular Act, and extends only to the Perſons therein named, and their Eſtates, and not to any other who may be any way after attainted for Treaſon: And the adjudging the [illegible] Tail of Sir *John Danvers* to be forfeited by it, cannot have any manner of influence, [illegible] be any preſident touching Forfeitures on Attainders to be had in any Court of Law.

That the words of Forfeiture in the Act [illegible] attainting the Murtherers of King *Charles* the Firſt, being the ſame with the words of Forfeiture in the Act of Pains and Penalties; The Attainders of them therein mentioned [illegible] by Verdict or Outlawry, not being confirmed by the ſaid Act, may be reverſed for [illegible] when their Eſtates Tail enjoyed under the Act of Attainder, ſince the making of [illegible] will be ſubject to the ſame Queſtion as now made in the Caſe of Sir *John Da*[illegible]

That if it be adjudged, That the comprehenſive [illegible] Act of Pains and Penalties for want of the words Eſtate Tail, ſhall not extend to forfeit the Eſtate Tail of Sir *John Danvers*; It may for the ſame reaſon draw in Queſtion [illegible] Title of all the Eſtates Tail, claimed as Forfeited by [illegible] n, ſince the [illegible] Stat. 8 [illegible] the Words of Eſtates of Inh[illegible] te Tail not [illegible] ance. And alſo for the ſame reaſon, may [illegible] Title of [illegible] which having been ſetled for Superſtiti[illegible] deed [illegible] by the 18 of *Edward* the [illegible]

THE

CASE

Of the INHABITANTS *of the Pariſh of* Breedon *in the County of* Worceſter, *and above Thirty other Towns and Pariſhes in the ſaid County.*

THAT the Inhabitants of the Borough of *Tewksbury* in the County of *Glouceſter*, have a Road leading Eaſtward from that Town, in the *London* Road to *Stanway-Hill*, about Ten Miles in Length, which being very Ruinous, can't be Repair'd without the Aſſiſtance of Parliament, to which the Inhabitants of *Worceſterſhire*, have nothing to object.

That a Bill is brought into this Honourable Houſe, not only for Repairing the *Stanway-Hill* Road, but the ſeveral Roads leading into the ſaid Town, and if the Bill ſhould paſs into a Law, they will erect a Turnpike on *Breedon* Road, in the County of *Worceſter*, on a Suggeſtion, That the ſame Road from *Breedon* Town's-End to *Tewksbury* (being about Two Miles) is much out of Repair.

That the Road from *Breedon* to *Hardwick*, is one of the two Miles, and as good a Road as can be, and the remaining Part of the Road to *Tewksbury* is a hard Way, and in good Repair, except in ſome few Places in *Mitton Lane*, occaſioned by the exceſſive Wet Seaſon of the laſt Year, which put the Inhabitants of *Breedon* under an Impoſſibility of making it good, till a proper Seaſon will permit.

That the Inhabitants of *Breedon* were never Indicted for not Repairing their Roads, nor was any Complaint made thereof till now, and that only by the Gentlemen of *Tewksbury*, who deſign an Advantage to themſelves thereby.

That the Inhabitants of *Breedon* can, and are very ready and willing to maintain and keep all the Roads within their Pariſh in good Repair by the Statute Work, without any further Aſſiſtance by Parliament.

That the Town of *Tewksbury* lieth contiguous to the Vale of *Eveſham*, where great Quantities of Corn are yearly raiſed: That the greateſt Part of that Side of the County of *Worceſter*, bring their Corn to *Tewksbury* Market, and their only direct Road is through the Pariſh of *Breedon*, at leaſt Three Miles diſtant from the *Stanway-Hill* Road: And the River *Avon* lying near the ſaid *Breedon* Road, being Navigable, a Waggon ſeldom paſſes that Way.

That if a Turnpike be erected on the *Breedon* Road (as is deſign'd) that Part of the County of *Worceſter* will pay a Tax of 150 *l. per Annum*, at leaſt, on pretence of Repairing and making good ſcarce Half a Mile of bad Road, occaſioned by the laſt Year's wet Seaſon.

That the ſeveral Pariſhes of *Aſhchurch*, *Beckford*, *Winchcomb*, *Elmſtone Hardwick*, and *Deerhurſt* are mentioned to have Petitioned for the Repairing of the Roads leading into *Tewksbury*, though not one Inhabitant of either of the ſaid Pariſhes has ſubſcribed the ſame Petition; and not one Gentleman, Freeholder or Landholder, or other Perſon whatever, in the ſaid *Breedon* Road, or that Part of the County, have deſired the Amendment of the ſaid Road by this Method now in Hand; but on the contrary, have Petitioned againſt it; and if the *Breedon* Road was ſo very Ruinous as *Tewksbury* repreſent the ſame to be, 'tis ſtrange, that not one Pariſh or Perſon on all that Side the Country, ſhould join with them for the Repairing of *Breedon* Road, as well as the *Glouceſterſhire* Gentlemen have done for *Stanway* Road.

There is a Turnpike intended to be ſet up at *Tuddington* Bridge, about Two Miles below *Stanway-Hill*, to which all Perſons coming that Way, muſt contribute, and if they pay once, it matters not what Road they go into afterwards; neither is it reaſonable to imagine, that any Perſon will go at leaſt Three Miles out of their Way, for the ſake of ſaving a Penny; but if ſome few Perſons ſhould do ſo, yet the Loſs of that Money will bear no proportion to the great Hardſhip a whole Country muſt undergo in paying a Toll towards the Repairing a Road in another County which they have no Communication with.

THE

CASE

OF

Breedon *Pariſh, &c.*

A State of the Bewdley *Caſe.*

THE Town of *Bewdley* being divided into two contending Parties, ſeveral Motions were made, and Tryals had in the Queen's Bench, relating to the Magiſtracy of that Place, in the time of the Lord Chief Juſtice *Holt*. And at one of thoſe Tryals, the Court obſerv'd, That the new Charter granted in the Year 1685. under which the Townſmen had acted for ſome time, was abſolutely null and void in Law; but that the old Charter of King *James* the Firſt, which was thought to have been ſurrender'd, was ſtill in full force. This appear'd with ſuch Clearneſs in point of Law, that it was admitted by the Council on both ſides.

That we may ſee upon what Reaſons this Opinion was grounded, it will be neceſſary to give ſome account of both the Charters, and of the Tryal, which diſcover'd the Invalidity of one of them.

The firſt Charter was granted by Letters Patent in the third Year of King *James* the Firſt's Reign; who incorporated this Borough, by the Name of *Bailiff and Burgeſſes*; appointing a Bailiff and twelve Capital Burgeſſes, and confining to them the ſole Power of chuſing other Officers of the Corporation as well as Succeſſors to themſelves. In the Year 1684. this Charter was pretended to be ſurrender'd by an Inſtrument under the Common Seal of the Corporation, made in the name of the Bailiff, *Recorder*, and Burgeſſes. The Surrender was accordingly accepted and inroll'd; and in the Year 1685. King *James* the Second granted a new Charter, reciting the Surrender of the former, and appointing a Bailiff, and *fourteen* Capital Burgeſſes inſtead of a Bailiff and twelve. Both theſe Charters *granted*, among other Privileges, that of Electing a Burgeſs to ſerve in Parliament. And under the laſt, which had on all hands been look'd upon as valid, the Government of the Corporation was peaceably adminiſter'd from the Year 1685. till the Year 1707.

Then it was, that the above-mention'd Tryal came on in the Queen's-Bench, between one *Slade* and one *Walter*, concerning the Right of their reſpective Elections to be Bailiff of that Place. The Tryal laſted many hours, each ſide maintaining the Right of his Election under the Charter of King *James* the Second: But the Succeſs being likely to terminate in favour of the Plaintiff, the Council for the Defendant, who was ſupported by Mr. *Winnington*, to prevent that, inſiſted at laſt, that the Charter it ſelf was void. Tho this Turn was ſurprizing, their reaſon for what they aſſerted was unanſwerable; for they plainly ſhew'd, That the Surrender of the firſt Charter was ineffectual, in regard the original Corporate Name was *Bailiff and Burgeſſes*, but the Surrender was made in the name of Bailiff, *Recorder*, and Burgeſſes, and was conſequently the Act of a different Corporation. This Objection prevailing, it was afterwards confirm'd by the Court of Queen's-Bench, upon a Motion in Arreſt of Judgment, and eſtabliſh'd by the unanimous Concurrence of the ſame Judges: Nor has there ever been the leaſt Doubt or Difference of Opinion upon this Point.

This Surrender being therefore adjudg'd to be void, the ſaid ſubſequent Charter of King *James* the Second, reciting it, was alſo void, being founded on that Surrender: and conſequently the Corporation became uncapable of doing any Corporate Act, unleſs there had been a ſufficient number of Members then living, who had been duly qualify'd to act under the Charter of King *James* the Firſt. But that Charter having been diſus'd for two and twenty Years, and the Members created under it being then reduc'd to one ſingle Perſon, it was become uſeleſs to the Town, and no legal Act whatſoever could be done by virtue of it, ſince the major part of the Corporation was by that Charter made neceſſary to ſuch legal Act.

This Light being ſprung upon the Contentions in this Borough, the far greater part of the ſubſtantial Inhabitants, obſerving that the Corporation was in effect expir'd and dead in Law, apply'd to the Queen by Petition, and humbly pray'd, That her Majeſty wou'd be pleas'd to relieve the Town in this caſe, by granting Power in a new Charter to ſuch of the Inhabitants as her Majeſty ſhou'd think fit, to be the Members of that Corporation, together with ſuch as ſhould appear to be living and qualify'd under the old, and only valid Charter of King *James* the Firſt; that ſo they might again uſe and exerciſe the Rights and Privileges before granted to the Inhabitants of that Place. Thoſe that ſign'd this Petition, were the *Recorder*, the major part of the *Capital Burgeſſes under the Charter of King* James *the Second*, and other Burgeſſes or Inhabitants, in all about Three Hundred. They petition'd only for ſuch Charter of Reſtoration of their antient Rights, as her Majeſty in her Royal Wiſdom ſhou'd think fit to grant; that which they deſir'd, being in truth no more than a new Nomination of Officers, who cou'd now only be named by the Queen, as they had been before appointed by King *James* the Firſt. And this was in effect to raiſe the Corporation that was lapſed, thro

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the Inadvertency before-mention'd: for which Accident there was no other legal Remedy.

This Petition being preſented to her Majeſty, ſhe was pleas'd to receive it with her uſual Grace and Favour; and indeed it was ſo reaſonable and neceſſary, that it could not well have been rejected, ſuppoſing the Fact was true. To ſee whether it was ſo or not, her Majeſty very rightly and with more than uſual Caution, refer'd the Conſideration of the ſaid Petition to the *then Lord Chancellor* and *Lord Chief Juſtice Holt*, who were commanded to *report* their Opinions of it: And it is preſum'd the latter was rather choſen for this Service, and more properly as well in reſpect to his Station in the Court, where all the Diſputes relating to this Town had been examin'd, as in regard to his known great Learning in the Law, his inflexible Honeſty and Courage, and his equal Adminiſtration of Juſtice to all Parties whatſoever. As to the other Perſon concern'd in this Affair, I mean the Noble Lord who is living, it is needleſs to give an account of his great Abilities and Probity: If any Man in *Britain* is a ſtranger to his Character, he may learn it in the Houſe of Lords, or in the Court of Chancery.

Theſe then were the two Perſons appointed to conſider this *Petition*; which had not been long delivered, before Another was preſented to her Majeſty by Mr. *Winnington* and his Friends, who oppos'd the granting any new Charter; and that was alſo refer'd to the ſame Perſons. After due time and notice to all Parties, the Chancellor and Chief Juſtice met upon this matter. Both ſides appearing by their Council and Agents, they were fully heard, and at this Hearing all the Council *again admitted that the laſt Charter of King* James *the Second was void in Law*; That conſequently, whatever had been done merely under it was alſo void; and that the old Charter only was then in force: Nor has the contrary been yet aſſerted by any Perſon whatever. So that the whole matter before the Chancellor and Chief Juſtice came to this Point, Whether there were then in being a ſufficient number of Perſons qualified under the Old Charter to do a Corporate Act? And this Queſtion they reduced yet into a narrower compaſs, by obſerving, that neither ſide pretended there was above one living that was elected before the Acceptance of the new Charter of King *James* the Second.

But they who oppoſed a new Charter, inſiſted, That ſeveral Officers or Members of the Corporation created, ſince they accepted the Charter of King *James* the Second, and acted under it, might yet be well intended to have been created under the Old Charter, or by virtue of it: and that this Suppoſition ought the rather to be favour'd and aided, becauſe it tended to preſerve the Being of a Body-Politick.

This ſeem'd ſo reaſonable to the Chancellor and Chief Juſtice, if the Fact cou'd be verified; and they were ſo far from inclining to a new Charter, if it was not neceſſary, that both of them told the Parties publickly at the Hearing, That the Being of the Corporation ought to be favour'd as much as was poſſible: And therefore, if it cou'd be ſhewn by the Books and Entries made at the Elections of ſuch Officers or Members of the Corporation, that there was any room left for ſuch an Intendment or Suppoſition, there cou'd be no need of a new Charter, and they would ſo report to the Queen. Therefore to end this Queſtion, the Books were call'd for; which not being brought up as they ſhould have been, a further time, after ſeveral Weeks, was then appointed for a ſecond Hearing, and the Books were ordered to be produced. At that time in the preſence of both the ſaid Parties, the Books being carefully peruſed by the Chancellor and Chief Juſtice, and proper Queſtions being put by them to the Parties in relation to the Names of Perſons in the Books, to whom they were Strangers, theſe two things appear'd beyond Contradiction.

Firſt, Whereas Mr. *Winnington*'s ſide alledg'd, That ſeveral Perſons, without whom the Corporation was fallen, were to be intended to have been duly qualified under the Old Charter; it appear'd, that the Courts or Aſſemblies where thoſe Perſons were elected, *were expreſly enter'd* in the Books to have been holden by *the Style or Title of the Corporation* given by *the new Charter, and not given by the Old*; and therefore they were *expreſly* held under the new Charter, and not under the Old.

Secondly, It appear'd ſo plainly, as not to be denied by either ſide, that ſeveral Members of the Corporation by virtue of the Old Charter, who were living at the time of thoſe Elections, and who ſhould have been ſummoned, and might have been preſent, if the Elections had been made by virtue of the Old Charter, were neither ſummoned nor preſent at thoſe Courts or Aſſemblies: and it is evident, that if they had come, they muſt have been denied Entrance or Admiſſion, becauſe on the contrary ſeveral were admitted and did act at thoſe Courts or Aſſemblies, who had no Right, or Colour of Right to be there but under the new void Charter, and whoſe ſitting was inconſiſtent with the ſitting of thoſe Perſons who had Right under the Old Charter, but claimed none under the New.

This Objection was ſo very material, that the Chancellor and Chief Juſtice cou'd by no means get over it in favour of the then pretended Charter of King *James* the Second. And it being impoſſible there cou'd be in the Nature of the Thing a clearer Evidence, that all thoſe Elections were made ſolely under the new void Charter, the Conſequence was undeniable, they were void in Law: And if ſo, it was granted on all ſides that there were not a ſufficient Number to act, claiming under the Old Charter; and that therefore a New one muſt *neceſſarily* be had, or every Act of the pretended Corporation for the future be illegal.

Accor-

Accordingly the Chancellor and Chief Juſtice, after two ſolemn Hearings of Council on both ſides, and after having peruſed the Town-Books, heard ſeveral Affidavits read, and examined into the Number and Value of the Petitioners both for and againſt ſuch new Charter, join'd in their Report to her Majeſty, That they conceived it expedient a new Charter ſhould be granted: Which Report is extant; and was produced both before the late and the preſent Houſe of Commons; and is in the Council-Books.

Her Majeſty in purſuance of that Report, was pleaſed to give Directions for a Charter of Reſtoration of the Rights and Privileges of the ſaid Borough, granted by King *James* the Firſt, and for a new Nomination of Perſons to the Offices vacant by the Death of the Officers under the old Charter.

Notice of Her Majeſty's Pleaſure was ſent to both ſides by Letters from the Earl of *Sunderland* and Mr. *Boyle*, the two Secretaries of State at that time, requiring each Party to bring to one of the Secretarys a Liſt of thirteen Perſons Inhabitants, whom they ſhou'd think fit to be inſerted in ſuch Charter, to be the firſt Bailiff, and twelve Capital Burgeſſes.

But the Party of Mr. *Winnington* not ſatisfied with this Proceeding, applied again by Petition to be heard before the Queen in Council; which the Miniſtry that then was, adviſ'd Her Majeſty to grant, and a Day was appointed for the Hearing.

Both ſides were accordingly heard before the Queen in a very full Council; and when the matter had been long and fully opened, and the Parties withdrawn, Her Majeſty in her great Wiſdom was pleas'd to confirm the Report, and ordered the new Charter to paſs, *not one of the Privy Council then making any Objection, but by all appearance concurring in Opinion with that Reſolution.*

At the Court of St. James's *the* 26*th of* March, 1708. *preſent, The Queen's Moſt Excellent Majeſty in Council.*

" UPON reading this Day, at the Board, " the Matter of the Petition of the " Bailiff, and part of the Burgeſſes of the " Borough of *Bewdley*, in the County of " *Worceſter*, ſetting forth, That the Peti- " tioners being inform'd, that there was a " Charter paſſing for that Borough, they " did humbly hope the ſame might not be " granted by Her Majeſty; As alſo the Mat- " ter of the Petition of the Recorder, and " other Burgeſſes and Inhabitants of the " ſaid Borough, praying Her Majeſty would " be graciouſly pleas'd to grant the Peti- " tioners ſuch Charter of Reſtoration of " their former Rights and Privileges, as " her Majeſty ſhould think fit: Her Majeſty, " in conſideration of what was alledg'd on " both ſides by their Council learned, was " pleas'd to order, as it is hereby order'd, " by the Advice of Her Privy Council, That " her Majeſty's principal Secretaries of State " do proceed to receive the Names of Per- " ſons fit and proper to be inſerted in ſuch " new Charter; and that ſuch a Warrant be " prepar'd forthwith for her Majeſty's Royal " Signature, as may be requiſite for the " paſſing the ſame under the Great Seal of " *Great Britain*, for the ſaid Borough of " *Bewdley*."

PRESENT,

His Royal Highneſs,	Earl of Berkely,
Lord Chancellor,	Earl of Bradford,
Lord ABp of York,	Earl of Scarborough,
Lord Treaſurer,	Earl of Cholmondley,
Lord Preſident,	*Earl of Marr*,
Lord Privy Seal,	Earl of Seafield,
Duke of Somerſet,	*Lord Dartmouth*,
Duke Schonberg,	Mr. Speaker,
Duke of Bolton,	Mr. Bertie,
Duke of Marlborough,	Mr. Secretary Boyle,
	Mr. Vice-Chamberlain,
Duke of Montroſs,	Mr. Vernon.
Earl of Sunderland,	

By this Order of Council it appears, that the new Charter of late ſo much complain'd of, was only deſign'd to confirm and reſtore the Capacity to exerciſe all the *old Privileges* and *Powers*, and that nothing prejudicial to them was to be introduc'd by it. And her Majeſty's Principal Secretaries of State being directed by this Order to proceed, in receiving the Names of Perſons fit to be inſerted in the new Charter, to the end it might not be pretended that one Party was eſpous'd more than another, the Earl of *Sunderland* and Mr. *Boyle* did again ſend notice to both of them to bring a Liſt of ſuch Perſons as ſhou'd be added to the ſurviving *Member or Members* claiming under the old valid Charter, that an equal Number might be taken out of each Liſt indifferently.

Purſuant to theſe Letters, Mr. *Herbert* and his Friends brought to the Secretary's Office a Liſt of thirteen Perſons, to be the Firſt Bailiff and Capital Burgeſſes. But Mr. *Winnington*, after ſeveral Delays obtain'd, on pretence of writing to the Corporation, at laſt determin'd not to give in any Liſt: For that Side having, as they ſuppos'd, got an Advantage by the Elections under the new and void Charter, choſe rather to leave all the Corporate Acts under that apparent Inſufficiency, than to come into a fair ſhare of the Truſt and Power of the Corporation, tho at the ſame time the Peace of the Place would thereby have been entirely ſettled.

The Liſt given in by the Petitioners for the Charter, being therefore all that was now expected, or could be obtain'd, her Majeſty was pleas'd to grant a Warrant for paſſing a Charter, to reſtore and confirm to the Borough their antient Liberties, Privileges, *&c.* granted by the Charter of King *James* the Firſt, and to inſert therein the Names of the Bailiff and the twelve Capital Burgeſſes nam'd in the Liſt thereto annex'd.

But to give further Obſtruction to the paſſing this Charter, Mr. *Winnington* enter'd Caveats both at the Sollicitor General's, and the Privy-Seal Office. The Sollicitor having fully heard Counſel on both Sides, thought fit to ſign the Bill: And as ſoon as it was ſign'd by her Majeſty, it was tranſmitted to the Lord Privy Seal. His Grace having alſo heard Counſel upon it for above four hours, and having call'd Mr. Juſtice *Tracy* to his Aſſiſtance, paſs'd it with the Approbation of that Judg. And it is eaſy to collect, from the Matter of Fact before ſtated, why they were not heard again on their Caveat againſt the Charter at the Great Seal, where they had been twice heard before in the manner above-mention'd, beſides the Hearing at the Privy Council before her Majeſty, where the Chancellor attended; ſo that it was very improper for them to be heard a fourth time by the Chancellor to the Merits of the Charter, eſpecially after the Hearing at the Privy Council. And as to any Objection that might be to the Form or Penning of the Charter, they were offer'd to be heard to ſuch Objections, if the Agent would alledg they had any; which he refus'd to do, and the Caveat did not mention any either in general or particular. So that ſome few Days after it paſs'd the Great Seal; and being ſent down to the Borough, and publickly read and proclaim'd there, it was joyfully accepted by the Inhabitants.

Mr. *Slade*, the ſurviving Capital Burgeſs under the old Charter, being the Bailiff appointed by the new one, officiated accordingly till the Thurſday before *Michaelmas* following; at which time the Bailiff and Burgeſſes (being corporately aſſembled in the *Guildhall*) unanimouſly elected Mr. *James Compſon* to be Bailiff; and ſince that time there has been a conſtant annual Election of that Officer.

The Inclinations of the Inhabitants for this Charter, muſt appear undeniably plain from the Number of Petitioners for the new Charter; who conſider'd at large are Fourteen Hundred: or if reſtrain'd to thoſe Inhabitants only that pay to Church and Poor, then the whole Number of thoſe Inhabitants, under that diſtinction, as appears by the Books, are Two Hundred Eighty Six; of which Two Hundred and Ten petition'd for the Charter, and ſome were Neuter.

Nor is the Diſproportion leſs in Value than Number; the Two Hundred and Ten Petitioners for the Charter are aſſeſs'd to the Poor for Stock *One Thouſand Five Hundred and Seventy Pounds* the other Seventy Six, had they all petition'd, are charg'd but at *Four Hundred and Ten Pounds*.

If ever any Charter was in the nature of it liable to no Exception, ſure this muſt be ſo; it deſtroys no other Charter, it only reſtores and confirms the old one. The words *reſtore* and *confirm*, introduce every Clauſe throughout the whole: It grants no new Powers or Privileges, nor takes away any before granted: It transfers no one's Right to another, nor diſfranchiſes any Member; he that was a Burgeſs before, continues ſo ſtill. Of the twelve Capital Burgeſſes under the old Charter, indeed none but *Slade* was left alive; and therefore the Queen, by this Charter, only fills up the number of Capital Burgeſſes, and confirms all other Burgeſſes and Officers whatſoever, and conſequently deprives no Man of his Right: It only appoints Officers, without whom they could neither have had a Recorder, Deputy-Recorder, Attornies, Conſtables, nor future Burgeſſes of either Diſtinction. Theſe, and moſt other Corporate Acts and Powers, being expreſly plac'd in none but the Capital Burgeſſes.

The Charter of the Queen recites the Incorporation by King *James* the Firſt, the Surrender of that Charter to King *Charles* the Second, and the ſubſequent Charter of King *James* the Second, the Invalidity of the Surrender, and of the Charter of King *James* the Second founded upon that Surrender; the preſent want of Capital Burgeſſes, ſufficient to execute the neceſſary Powers of the former Charter; and the many Differences and Doubts thereby occaſion'd. And then it adds, That for the compoſing theſe Diſorders, and ſettling Peace and good Government within the Borough, her Majeſty reſtores and confirms to the Burgeſſes and Inhabitants of the ſaid Borough, all Charters, Liberties, *&c.* before granted to them. Then it incorporates the Burgeſſes and Inhabitants by their former name of Bailiff and Burgeſſes; and as to particular Powers, expreſly refers to the Charter of King *James* the Firſt.

The laſt Houſe of Commons (before the preſent) on a full Examination of this Matter, thought the granting of this new Charter beneficial, and even neceſſary to the Peace and good Government of this Town. The preſent has ſaid otherwiſe; and of all things this is not new under the Sun, that ſeveral Houſes of Commons ſhould differ in their Opinions concerning a Matter, upon which an Election is thought intirely to depend.

Since then two Parliaments have been of different Minds in this Particular, it is with all ſubmiſſion left to the Reader to determine, upon a due Conſideration of the Premiſes, which are true in every Particular, and of all the Steps that were taken with ſo much Caution and Prudence in the whole Affair, Whether the granting this new Charter cou'd with any colour be compar'd to the invading the Rights of Corporations in former Reigns; to which extravagant height ſome general Invectives have been carry'd.

Upon the whole Matter, this is a full and clear State of what has hitherto paſs'd relating to the Charter of *Bewdley*; and nothing more remains to ſet forth the Validity or Injuſtice of the whole Proceeding, but to expect the legal Iſſue of the *new Orders for repealing the ſaid Charter*, if any ſuch Orders are, or ever ſhall be given.

Printed in the Year M. DCC. XI.

(Price 2 *d.*)

The CASE *of the Inhabitants of the Town of* PARSHORE *in the County of* Worceſter.

THAT the laſt Seſſions of Parliament an Act was obtained for repairing of the Roads leading from the City of *Worceſter* to *Alſeborough Farm* in the Road to *London*.

That the direct and great Road from the ſaid City of *Worceſter* to *London*, lyeth from the ſaid *Alſeborough Farm* thro' the ſaid Town of *Parſhore* to *Hinton on the Green*, and from thence to *Broadway-Hill*.

That the Inhabitants of the Borough of *Eveſham* have preſented a Bill to this honourable Houſe, for the repairing and amending the Roads from a Place called *No-Man's Ground* upon *Broadway-Hill* in the ſaid County of *Worceſter*, to *Stone Bowbridge* and ſeveral other Roads in the Bill mentioned.

That if the ſaid Bill paſs into a Law, a Turnpike will be erected upon *Broadway-Hill*, whereby all Perſons travelling the ſaid great Road, to and from *London*, will be obliged to pay a Toll or Tax towards the Repairing the ſaid Road from *No-Man's Ground* to *Stone Bowbridge*, which they never touch upon ſave a ſmall ſpace of Ground from *Broadway* Town to the top of the Hill.

That as the antient continued Road lyeth thro' the ſaid Town of *Parſhore*, the Inhabitants thereof are deſirous to have the ſame repaired, which cannot be effectually done without the Aid of Parliament.

That as the Road from *Parſhore*, as well as that from *Stone Bowbridge*, towards *London*, unite and centre upon *Broadway-Hill* at the ſaid Place called *No-Man's Ground*, 'twill be unreaſonable, and a great oppreſſion to Travellers, to erect two Turnpikes on the ſaid Hill, and thereby collect a double Tax, when one Turnpike may ſerve both Roads, if united by carrying both Roads thro' *Bengworth*.

That the Inhabitants of *Parſhore*, to facilitate this Matter, have deliverd Propoſals in writing to the Borough of *Eveſham*, which are as follow, *viz.*

That a Bill be prepared and brought into Parliament at the joint and equal Charges of the Inhabitants of *Eveſham* and *Parſhore*.

That an equal number of Commiſſioners be appointed by both Places for putting the Act in execution.

That one Turnpike be erected on *Broadway Hill*, one other at *Eveſham*, and another at *Parſhoae*.

That all Perſons travelling from wards *London*, paying at *Broadway* Turnpike, ſhall paſs free thro' *Eveſham* or *Parſhore*, making uſe of which Road they think fit; as likewiſe all Perſons travelling from wards *Worceſter* upwards, paying at *Eveſham* or *Parſhore*, to paſs free thro' the Turnpike at *Broadway-Hill*.

That the Money collected at each reſpective Turnpike, to be in the firſt place laid out for the making good of each reſpective Road where ſuch Money ſhall be collected, 'till ſuch Road ſhall be made good, and afterwards applyed to make good the other Roads.

> Theſe Propoſals the Inhabitants of *Eveſham* have totally rejected, and their Deſign is to carry the Road thro' *Eveſham* by *Stone Bowbridge*, which will deſtroy the antient Thorough-fare thro' *Parſhore*.

That the Poor of the Town of *Parſhore* are already very numerous and chargeable to the Inhabitants, their preſent annual Aſſeſments to the Poor amounting to three Shillings and eight Pence per Pound; and if the antient great Road thro' the ſaid Town ſhould be turned another way, as is chiefly deſign'd by this Bill, the Trade and Buſineſs of the ſaid Town (which moſtly depends on Travellers paſſing the ſaid Road) will be ſo much impair'd and injured thereby, that the Charge of maintaining the Poor will in a ſhort time be a greater Burthen to the Inhabitants than they can bear.

The CASE of the Inhabitants of the Town of *Parſhore*.

 H. 230 816. m. 16.

Enquiries for Information towards the Illuſtrating and Compleating the Antiquities and Natural Hiſtory of York-ſhire.

By Nathaniel Johnſton, *Dr. in Phyſick.*

ALthough the Author of theſe Enpuiries hath collected vaſt numbers of materials towards this Great Work, and by copious Indexes to the many ſcores of Volumes containing them, is enabled in a competent time to digeſt them as he hath already ſome Wapentacks, and hath made a good progreſs in fair Writing for the Preſs, one Volume of the ſame.

Yet being deſirous to render this Great Work as Compleat as he poſſibly can. By the advice of ſeveral eminent well wiſhers to the accompliſhment of ſo deſired a Work, he is induced to make his applications, to the Principal Gentlemen of that County, by the Aſſiſtance of the Reverend Clergy in each Pariſh, to procure ſuch further Information, by anſwers to the enſuing Enquiries, as may enable him to perfect the ſame; Whereby the Work may equal, at leaſt, what hath hitherto been publiſhed of any other County in the Kingdom.

Therefore with all due deference, he becomes an earneſt Suitor to the Honourable and Worſhipful Gentlemen, and Reverend Rectors, Vicars, and Curates, of each Pariſh in the ſaid County, That they will be pleaſed, with all diligence, exactneſs and conveent diſpatch, to return to him as full, appoſite, and ſatisfactory anſwers, to the following Enquiries, as upon deliberate information they can poſſibly obtain.

And heartily entreats, and confidently hopes that every of the Reverend Rectors, Vicars, and Curats, within their ſeveral Pariſhes, will vouchſafe to take this trouble upon them, and effectually promote ſo neceſſary a Work, which the Author hopes will redound to the Honour of the Gentlemen, who ſhall pleaſe to contribute to this Information, and to the Worthy Praiſe of the Reverend and Learned Clergy, who ſhall effectually anſwer the ſaid Enquiries.

From whom it is deſired, *Firſt*, That whoever ſhall be pleaſed to favour the Author with his anſwer, will pleaſe to give an account of his Name and Quality, and how a Poſt Letter may be directed to him, whereby a return of due thanks may be made to him, and a further application in caſe of any neceſſity of further Illuſtration, of what may appear defective, doubtful; or on ſecond thoughts may be found needful to be further enquired into.

2dly. That the anſwers may be made to the diſtinct Heads of firſt and ſecond, *&c.* Enquiries, and the Paragraphs appertaining to them, without troubling themſelves with reciting the Words of the Enquiry, becauſe the Author will have always by him a printed Copy of theſe Enquiries, to refer the anſwers to.

Laſtly, That the Anſwers my be as particular, and full, as by information of the ancienteſt and moſt intelligent of the Pariſhioners can be obtained.

He deſires to have an account of the general *Situation* of the *Pariſh*, how bounded by the adjoyning Pariſhes, Eaſt, Weſt, *&c.* with the reputed *Diſtances* from the Centre or middle of one to another, and from the next conſiderable Town upon any great *Road* or *Market-Town*. *Equiry.* 1

How the Pariſh is naturally *divided* by *Riſing-grounds*, *Hills*, *Vallies*, *Plains*, different *Soils*, *Woods*, *Moores*, *Waſtes*, *Rivers*, *Brooks*, *Meers* or other Boundaries. 2.

What *Hamlets*, *Villages*, *Townſhips*, *Granges* and *Conſtablaries* are in the Pariſh, and the exact ſituation of them, and of the *Church* and *Chapels*, when *built*, or in any conſiderable part *repaired*, who are or have been during mens memory the *Patrons* and *Incumbents*; which are *Parſonages*; to whom the *impropriate Tythes* do and have belonged; what *Tombs*, *Monuments* and *Arms* are eſpecially newly ſet-up in the Churches. 3.

What *Seats* of the Nobility and Gentery are within the Pariſh, *&c.* with their *Situation*; what *Manors*, with the names of the Lords; what unuſual *Cuſtom* obſerved in them; of what chief *Manors* they are *held* of, and what *held* of them; what Houſes retain ancient peculiar *Names*, or have had, or now have conſiderable *Eſtates* belonging to them, in 4.

the Pariſh, Hamlets, &c. or elſewhere, together with an account of their *Anceſtors* or Predeceſſors late *Marriages* and *Iſſues* within memory, &c.

5. Whether any *Hoſpitals*, *Almſ-houſes*, *Free-ſchools*, or any other publick Work of Charity are in the Pariſhes, with the names of the *Founders*, their *Endowments*, *Conſtitutions* and *Rules of Government*; what *Lands* have been given, and *by whom*, to any *Religious-houſes* or *Colleges* of either *Univerſities*, for *Fellowſhips*, *Scholarſhips*, or any Pious uſes.

6. What new *Houſes* of the Nobility or Gentry have been built, and *by whom*: whether there be any *Ruines* of great Buildings, wherein any curious or ancient pieces of *Architecture* are yet remaining; or of *Caſtles*, *Camps*, *Fortifications*, or depopulated Towns, with the particulars of all theſe; as much as can be informed by intelligent Perſons and Lovers of *Antiquities*.

7. What peculiar *Juriſdictions* or *Liberties* are in the Pariſhes, &c. and who are Owners of them, and have anciently been.

8. What remarkable *Hills*, *Rocks*, *Precipices*, *Scarrs*, *Caves* or Places there are within the Pariſh, &c. which are called by uncouth *Names*, of which the ſignification is not underſtood, or of which there is any memorable tradition.

9. What *Ridge-ways*, *Banks*, *Trenches*, *Fortifications* or *Camps* are in the Pariſh, &c. reputed the Works of the *Romans*, *Britains*, *Saxons* or *Danes*; with their peculiar *Names*, *Hieght*, *Breadth*, *Extent* or *Circuit* exactly meaſured, the *Materials* of which compoſed, how the *Banks* are continued from one part of the Pariſh, Hamlets, &c. to another; with the *Names* of the moſt remarkable places they *paſs by* or *through*, and whether they have any *Trenches* on one or both ſides, whether any ſmall *Hillocks* are *upon* or *near* them, that have peculiar names, or are reputed to be the *burying-places* of *Romans*, &c. or of which is any peculiar tradition.

10. Whether any old *Coins*, pieces of *Armour*, *Bones* of *men* or *Beaſts* of unuſual *ſize*, *Altars*, *Sacrificing-diſhes*, *Urns*, *Pavements*, *Stones* with *Inſcriptions* upon them, or with any *carved-work*, or *Stone coffins*, with an account of what *found* in them, or other Rarities have been plowed or digged up, or there be any maſſey *Stones* erected that have any peculiar *names*, or *heaps* of *Stones*, with the tradition of them.

11. Whether there be any tradition of any *Battles* fought in any place of the Pariſh, &c. in *ancient times*, or any *Battles* or *Skirmiſhes* have been fought there in the *late War*, with the names of the *Commanders* and *Officers* of either *Party*, and the Particulars of the Engagement, what ſieges have been againſt *Caſtles*, *by whom*, *who Governours*, *when*, &c. with all Circumſtances.

12. What kinds of *Quarries* of Stone, whether *Lime-ſtone*, *Marble*, *Plaſter*, *Iron-ſtone*, *Alom-ſtone*, or any Mine of *Coals* or *Minerals*; the depth of their *beds*; how they *lie*; what kind of Earths *lie* ſucceſſively above them; what *Engines* are uſed for drawing Water, Coals, &c. what kind of *Damps* have been obſerved in the Pitts, or if any *accident* have happened to the *Miners* or *Workmen*, and what *Arts* they have to know where the *Mines* are to be found.

13. Whether *Forges*, *Furnaces*, *Slitting-mills*, *Smelting-mills*, or *Glaſs-houſes* are within the Pariſh, &c. and *where* and *when* erected, and whether any new *Engines* or *Improvements* have been found out, and *by whom*.

14. Whether any curious *figured* or *tranſparent Stones* or *Shells*, *Wood-moſs*, &c. turned to *Stone*, or any *Trees under ground* have been found, *how deep*, and in *what kind* of Earth.

15. What variety of *Soil* is in the Pariſh, Hamlet, &c. whether moſt *paſture*, *arable enclоſed* or *Champion*, *mooriſh*, *heath* or *woody ground*; whether there are found any *Marles*, and *of what colour and property*; whether any *choice Clay* for *Potters*, *Brick*, *Tile*, or *Tobacco-pipe-makers*; whether any uncommon Earths, as *black or white Chaulk*, *Rudle*, *Fullers-Earth*, *Boles Umber*, &c. or any *Sand* for *Glaſs-makers*, *garden-walks*, *improving of ground*, or other uſe; what unuſual *Seeds* or *Grain* are ſown in the Pariſh, Hamlets, &c. and what kinds *thrive* beſt; what peculiar ways are found out for *bettering of grounds*, for *preſerving* of Corn or Cattle; and *augmenting* their encreaſe, or any new profitable ways of *improvement of husbandry*, *gardening*, &c. by any peculiar *Inſtruments*, or otherwiſe.

16. What *Springs* or *Fountains* are there in the Pariſh, Hamlets, &c. that are uncommon in *colour*, *taſte* or *ſmell*, or that are reputed *medicinal*; whether any break out on the *Tops of Hills*, or in *Flatts*, or *Ebb* and *Flow*, or are reputed to iſſue forth againſt *Dearth of Corn*, *War* or *Plague*, or out of which *Fiſh* have been obſerved to come, or any *rare kind* of *Stones* or *Sand*, or that *ſtain the Graſs and Stones* they glide over, or that *turn any Herbs*, *Woods*, &c. to *Stone*, or *cruſt* them over, and out of *what ſort* of Earth theſe flow.

What *Rivers*, *Rivulets*, *Brooks*, *Lakes* or *Pounds* are in the Pariſh, Hamlets, *&c.* with their *Names*, *Originals* and *Currrents*, *the places by which they paſs*, *where they meet with others*; whether any *run under ground*, and where they *paſs out* again, or are finally *ſwallowed in the Earth*; what Lands have been *worn away* by Rivers; what *old Currents* they have *had*, with the *reaſon of the Change*; what *Fiſh* are bred moſt plentifully in the Rivers; what peculiar Properties their Waters have, as to *fulling*, *cleanſing* of Cloath, *dying*, &c. what the Inhabitants obſerve in thoſe Rivers in which *Agars* come, as to the exact *place*, *time* of its *beginning*, *height*, or *ending*; *how far* it flows; its *ſwiftneſs*; the time of the *Moon* it is greateſt; in *what part* of the River it ſwells moſt; *what Cauſe* the Inhabitants aſcribe for it; *what veſſels* the larger Rivers *bear*, *how far navigable*; *where* the ſhalloweſt *flats* and greateſt *depths*; *what bridges* upon them, with their *names*; *when built* or *repaired*, and *by whom*; *what Mills* upon them, and for *what uſe*, with their *Sokes* and *owners*; what *Fiſheries*, with their *extent* and *owners*; whether any *Cataracts* of Waters in them, upon the *Maritin Coaſts*; what moſt conſiderable *Currents*, what obſervations of the *monthly* or *annual Tides*, of the *Eddyes*, of the *difference of the ſaltneſs* of the Sea, whether any difference in the *Streams* and *Smels* of the Sea, and at *what time*, what *Earth*, *Stones*, *&c.* the *Cliffs* are compoſed of, whether any *Towns*, *Buildings*, &c. have been *drowned* by the Sea, what *Shells* or *Stones of ſtrange ſhapes*, *Fiſhes*, *Herbs*, or unuſual things are obſerved in the Sea *coaſt*, what peculiar *Lords* have the *wrecks*, or any *Juriſdiction* or *Privilege* in the *Coaſt*, *Creeks*, &c. what remarkable *ſaving* from Shipwracks. 17.

In what places any *Echo*'s have been heard, with the *deſcription* of the place, *when* heard, and *from whence* it comes, and *how many words* it repeats, whether any have heard any unuſual *ſound of the Air* or *out of the Earth*, or have ſeen any ſtrange *appearances* in the Air or upon the Earth. 18.

Whether any have known any unuſual *Tempeſts*, miſchief by *Thunder*, any extraordinary *Hail-ſtones*, *Snows*, *Floods* or *Blaſts*, with all the circumſtances, whether any poiſonous or *hurtful Smels* have iſſued *from the Earth*, *Pits* or *Caves*. 19.

What ſtrange *accidents* have befallen Men or Women in the Pariſh, *&c.* in their *Births*, *Lives*, *Deaths or Iſſue*, *old Age*, *good* or *bad Fortune*, whether there are or have been Men or Women of extraordinary *Stature*, in *exceſs* or *defect*; any that have ſtrange *Antipathes* to Meat, Drinks or Creatures, that have had unuſual *dreams* that have ſtrangely *come to paſs*, unuſual *Faſtings*, *Sleeps*, *Appetites*, extreme *Age* or ſudden *Deaths*, or any reputed dead that have ſtrangely been *reſtored to life again*; any *monſtrous Births*, great *likeneſs* or *diſparity*, any thing remarkable, that attends Families in their Lives or Deaths, any ſtrange *Cuſtoms*, or confuſions in *conſanguinity* or *affinity*. 20.

Whether any ſtrange *Beaſts*, *Birds*, *Serpents*, or any other *monſtrous* creatures have been obſerved by the Inhabitants, or there be any tradition of ſuch in *former times*, and *what they were*, whether any Cattle of unuſual *quality*, or *mixed generation*, or greater *Age* or *Stature*, or attended with unuſual circumſtances. 21.

What *Trades are* or *have been* in the Pariſh, Hamlets, *&c.* *when* and *by whom* begun, whether *increaſing* or *decaying*, or is their any that have made *improvement* in any of the *Liberal* or *Mechanical Arts*, or hath acquired a Fame in any *Handicraft* of what kind ſoever. 22.

Whether any Gentleman or other, have any old *Deeds*; ancient or late *Pedigrees*, *Patents for Arms*, *Pardons*, *Grants*, *Rolls*, Copies of *Records*, *Maniſcript* Books of *Antiquities*, *Hiſtory*, *obſervations of* Families, *Coucher-books*, *Catalogues* of ancient *Nobility* or *Gentry*, ancient *Muſters*, or *Subſidy-books*, *Surveys of their Lordſhips*, any ancient *Wills*, *Inventories* of rich things, ancient *Swords*, *Daggers*, *Shields*, *Coats of Male*, *Armour*, *Bows* and *Arrows*, or *other habiliments* of War, or ancient curious *Pictures*, *Statues* of eminent Men or their Anceſtors, or ſuch things as have been tranſmitted to them as *badges of honour* to their Families. 23.

Whether any Gentleman is poſſeſſed of any ancient *Coins*, *Urns* and *Lamps*, *Sacrificing diſhes*, *Pavements*, *Rings Seals*, or other *Britiſh*, *Roman*, *Saxon* or *Daniſh* Antiquities, or can give an account *where any are*, or any rarities of Art or Nature, as *Shells*, *Stones*, *Plants*, *Fruits*, *Birds* or *Inſects*, rare or undeſcribed, or any curioſities whatſoever, which may be fit to be deſcribed, or have the *draught* of them exhibited in print, or any *draught of Proſpects of Houſes*, *Churches*, *Tombs or Arms*, upon knowledge of which, the Author will employ ſome Artiſt to take the true *Figures* of them, whereby the Work may be imbeliſhed to the ſatisfaction of the Curious and Ingenious. 24.

The Author of theſe Enquiries, requeſts, that the reſpective Gentlemen, or Reverend Rectors, Vicars and Curates, who vouchſafe to give Anſwers to the Enquiries, will pleaſe to Seal them up and encloſe them in a Cover, *directing the encloſed Anſwer only* for the Doctor, *and the* Cover *for the Right Reverend Father in God, the Lord Biſhop of* London, *or the Right Reverend Father in God, the Lord Biſhop of* Rocheſter, *during the time of Priviledge, or when they can be ſent by a Friend, or any neighbour Attorney, that they be directed for Mr.* Alexander Boſvile *Bookſeller, at the ſign of the* Dial *in* Fleet-ſtreet, London, *and ſo they will come ſafe to the hands of their moſt obliged humble Servant,*

Nathaniel Johnſton, *M. D.*

The CASE *of the* Iſle of Man, *with reſpect to the Trade thereof*, &c.

THE Commiſſioners of Her Majeſty's Cuſtoms, having repreſented to the Earl of *Derby*, that there was a Trade carried on in the *Iſle of Man* prejudicial to Her Majeſty's Cuſtoms, his Lordſhip returned Anſwer, that he was ready as far as in him lay, to remedy, the Cauſe of ſuch Complaints.

In purſurance whereof, Propoſals were laid before the ſaid Commiſſioners about the 23*d* of *September* laſt, and Perſons appointed by the Lord and Government of the Iſland, to attend them on that Affair.

About the *6th* of *March* laſt, the ſaid Perſons were called before the ſaid Commiſſioners, for the Conſideration of thoſe Propoſals, and the ſaid Commiſſioners of the Cuſtoms made ſuch Amendments therein, as they thought neceſſary for the Advantage of the Crown, and formed them into Two Bills, *viz.* one propoſed to be paſſed in Parliament here, allowing the Growth, Product and Manufacture of the Iſland, with a certain quantity of Liquors for the Uſe of the ſaid Earl of *Derby*, to be brought into *Britain* Duty-Free; and the other to be paſſed into a Law within the ſaid Iſland, laying Traders under ſuch Reſtraints, as would effectually prevent any Damage to the Crown, by the Trade complained of; which Bills were laid before the ſaid Earl, who comply'd with the ſame, tho' much to the Diminution of his Rights within the Iſland; and then the ſaid Commiſſioners of the Cuſtoms, after deliberate Conſideration, laid the ſaid Bills before the Lords Commiſſioners of Her Majeſty's Treaſury and Trade, as the likelieſt Means to prevent ſuch Complaints for the Future.

NOW the unfair Trade complained of, being chiefly occaſioned by the Duties on the Commodities of that Iſland imported into *Great Britain*, which amount in effect to a Prohibition.

And it being manifeſt, (relation being had to the ſaid Bills,) that if the Duties were taken off, the Trade complained of would immediately ceaſe, becauſe it would then be the Intereſt of the Legiſlature there, as well as the People, to prevent it.

It is therefore humbly hop'd, that the Parliament of *Great Britain* will think fit to paſs the Bill abovementioned, that the Inhabitants of the Iſland may be enabled to Barter their Commodities with *Britain*, for Salt, Coals, Iron, Hops, Hard-Ware, *&c.* without which, they cannot poſſibly ſubſiſt.

By which Means, a fair Trade will be ſecured, as well as Her Majeſty's Revenue, and a free People preſerved from Ruine, which otherwiſe muſt inevitably follow, becauſe their Importations (ſince their Fiſhing has failed) have conſiderably exceeded their Exportations Yearly.

MVSEVM
BRITAN
NICVM

THE CASE OF THE *Isle of Man.*